

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

LA UNIÓN DEL PUEBLO ENTERO, *et al.*,

Plaintiffs,

V.

STATE OF TEXAS, *et al.*,

Defendants.

HARRIS COUNTY REPUBLICAN PARTY, *et al.*,

Intervenor-Defendants.

§ § § § §

Case No. 5:21-cv-00844-XR
[Lead Case]

LUPE PLAINTIFFS' DEPOSITION DESIGNATIONS

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO,)	
et al.,)	
)	
Plaintiffs,)	Civil Action
)	No. SA-21-CV-00844-XR
vs.)	
)	
GREGORY W. ABBOTT, et al.,)	
)	
Defendants.)	
)	

ORAL DEPOSITION OF

ALAN VERA

FEBRUARY 27, 2023

ORAL DEPOSITION OF ALAN VERA, produced as a witness at the instance of the Plaintiffs, and duly sworn, was taken in the above-styled and numbered cause on February 27, 2023, from 10:00 a.m. to 3:37 p.m., Nilda Codina, Notary in and for the State of Texas, recorded by machine shorthand, from Javier N. Maldonado & Associates, P.C., 1415 North Loop W., Suite 600, Houston, Texas, County of Harris pursuant to the Federal Rules of Civil Procedure, and the provisions stated on the record or attached hereto.

1 MR. GORE: Yes.

2 MR. WASSDORF: Yes.

3 MR. TAYLOR: Yes.

4 MS. PERALES: Thank you.

5 DIRECT EXAMINATION

6 BY MS. PERALES:

7 Q. Good morning, Mr. Vera.

8 A. Good morning.

9 Q. Earlier you heard me introduce myself, I'm
10 Nina Perales and I represent a group of plaintiffs
11 called the Lupe plaintiffs. Everybody else has
12 introduced themselves already, and so I'll just go
13 ahead and start asking you some of the preliminary
14 questions in this deposition.

15 My first question is, have you ever
16 been deposed before?

17 A. No, I have not.

18 Q. All right. So since this is your first
19 voyage into a deposition I'm going to go through some
20 of the ground rules with you.

21 You have just taken an oath to tell
22 the truth and that's subject to federal penalties. So
23 it's important to answer my questions truthfully,
24 accurately, and completely; do you understand?

25 A. I do.

1 Q. Now, do you understand that your oath to the
2 tell the truth today is the same as if you were
3 testifying in front of a judge in the courtroom, in the
4 sense that your oath is to speak the truth?

5 A. I understand.

6 Q. Okay. Is there anything today that would
7 prevent you from giving me your full attention and
8 answering truthfully, such as illness or some other
9 problem?

10 A. I am 74 years old, I will need frequent
11 bathroom breaks.

12 Q. Got it. And that takes me right to the
13 bathroom breaks, which is you are not a hostage here.
14 If you need to take a break at any time, you can ask
15 for a break we will take a break. The only question I
16 have of you, is that if there's a question laying out
17 on the table, if you would answer it before we take the
18 break; is that all right?

19 A. Understood. Understood.

20 Q. Okay. Thank you. Now, counsel will make
21 objections for the record from time to time and you
22 just heard us talking a moment ago about objections,
23 and, generally when there is an objection you still go
24 ahead and answer; however, if counsel instructs you not
25 to answer, please don't answer and we will work it out

1 among ourselves, okay?

2 A. Understood.

3 Q. So a few instructions related to the fact
4 that we have a court reporter here. Generally, in
5 conversations sometimes we talk over each other, but
6 because the court reporter can only take down one
7 speaker at a time, will you agree to let me finish my
8 question before you answer, and then I will let you
9 finish your answer before I begin my next question?

10 A. Agreed.

11 Q. Okay. It's also -- you're doing a great job
12 by the way of speaking up but my next instruction is to
13 please make your answers out loud and audible so the
14 court reporter can hear them; is that all right?

15 A. Understood.

16 Q. Okay. Now, the court reporter cannot take
17 down gestures like shrugs or head nods, so will you
18 agree to give your answers verbally?

19 A. Agreed.

20 Q. Now, if you don't understand the question,
21 will you please ask me to rephrase it for you?

22 A. Agreed.

23 Q. Now, I might ask you a question that calls
24 for you to give me your best estimate as to something,
25 and I'm entitled to your best estimate, but I don't

1 want you to guess; is that all right?

2 A. Understood.

3 Q. Okay. Thank you. Now, sometimes you might
4 remember more to an answer later in the day. Sometimes
5 the questions percolate a little bit. So if that's the
6 case, and you've remembered something more it's okay to
7 tell me at that point and we'll add it to the record
8 and then we'll go back to whatever else it is that
9 we're discussing; is that all right with you?

10 A. Understood.

11 Q. Okay. I might use some terms interchangeably
12 in today's deposition, I don't know if I will or not,
13 but I want to check now to make sure if we have the
14 same understanding of the terms. If I use the word
15 Hispanic and Latino, will you understand that I mean
16 the same thing by those words?

17 A. Agreed.

18 Q. Okay. I'm going to try not to use jargon,
19 but if I use the word ABBM, will you understand that to
20 be application for ballot by mail?

21 A. Understood.

22 Q. Thank you. Do you have any questions about
23 the deposition process before we begin?

24 A. No, ma'am.

25 Q. Thank you. I understand from the

1 introduction this morning that you are being
2 represented by Mr. Andy Taylor; is that correct?

3 A. That is correct.

4 Q. Are you also being represented by Mr. John
5 Gore?

6 A. That is not correct.

7 Q. And are you being represented by the Attorney
8 General's Office?

9 A. I am not.

10 Q. When did your representation -- when did
11 Mr. Taylor's representation of you begin, do you know?

12 A. The week after I was subpoenaed.

13 Q. Okay. Do you have any other lawyers that
14 represent you in this matter?

15 A. I do not.

16 Q. Okay. I'm going to ask you some questions
17 about your preparation for the deposition, but I want
18 to let you know that I do not want to know anything
19 that you said to your lawyer or that your lawyer said
20 to you; okay?

21 A. Understood.

22 Q. Can you tell me the steps that you took to
23 prepare for this deposition?

24 A. I received, through my attorney a very large
25 cachet of document that were in discovery and I read

1 A. They did.

2 Q. And did some of them include members of the
3 legislature?

4 A. One or two did.

5 Q. And did some of them include staff or
6 employees of the Texas Secretary of State?

7 A. Some of them did.

8 Q. Did you meet with anybody in advance of this
9 deposition to prepare?

10 A. I had a Zoom meeting with my attorney for him
11 to brief me on what to expect.

12 Q. Okay. And about how long did that Zoom
13 meeting last?

14 A. There were two sessions, the first one an
15 hour the second one two hours.

16 Q. Okay. Was anybody else on the Zoom besides
17 you and Mr. Taylor?

18 A. Yes, Mr. Jones was.

19 Q. Okay. Would that be Mr. Gore --

20 A. -- I'm sorry John -- John -- Mr. Gore is --

21 Q. -- (Laughter.)

22 A. -- Mr. Gore was on the call.

23 Q. Perhaps some day okay.

24 (Exhibit No. 1 marked.)

25 Q. (BY MS. PERALES) Mr. Vera, the court reporter

1 has handed you what has been marked deposition Exhibit
2 No. 1. And from time to time we will mark certain
3 documents and talk about them and the one that you will
4 look at is always going to be the one with the special
5 orange sticker on it and I'll tell you now don't try to
6 leave with the special orange sticker documents or the
7 court reporter will chase you down and try to get them
8 back; okay?

9 A. I understand.

10 Q. Do you recognize this document?

11 A. I do.

12 Q. Okay. Do you recognize it as the notice of
13 deposition seeking your attendance at this deposition
14 today?

15 A. I recognize it as a predecessor to the notice
16 I received today, this one still says 8:30 a.m. and the
17 one I received says 9:30 a.m.

18 (Laughter.)

19 Q. (BY MS. PERALES) you're right, that's my
20 fault.

21 A. Okay.

22 Q. Thank you for spotting that. So with the
23 exception of the time though, are you hear testifying
24 today pursuant to this deposition notice?

25 A. I am.

1 Q. Okay. Thank you. I'd like to start with
2 some questions about your background, do you live in
3 Harris County?

4 A. I do.

5 Q. How long have you lived in Harris County?

6 A. Since November of 1980.

7 Q. Okay. Are you originally from somewhere not
8 Harris County?

9 A. Yes.

10 Q. Tell me where you grew up?

11 A. El Paso.

12 Q. Oh, El Paso. West Texas?

13 A. Yes, ma'am.

14 Q. Did you go to high school there?

15 A. Yes, ma'am.

16 Q. Did you complete any education following high
17 school?

18 A. I did.

19 Q. Okay. And what was that?

20 A. I have an undergraduate degree from Loyola
21 University in New Orleans.

22 Q. Anything after that?

23 A. U.S. Army.

24 Q. Okay. When did you serve?

25 A. 1970 to 1975.

1 Q. Tell me about your current occupation, if you
2 have one?

3 A. I am semi-retired.

4 Q. And what are you semi-retired from?

5 A. Marketing consulting.

6 Q. Okay. Can you briefly describe for me your
7 current involvement with the Harris County Republican
8 Party?

9 A. I am a volunteer. I serve as chairman of the
10 Harris County Republican Party Ballot Security
11 Committee, that is an unpaid unreimbursed position.

12 Q. I'm going to circle back to, to more details
13 about the Ballot Security Committee. So I'm just going
14 to put a pin in that and ask if you hold a membership
15 in other political organizations besides Harris County
16 Republicans?

17 A. I am on the board of directors of a -- an
18 election integrity organization called Texas Election
19 Network.

20 Q. Any other membership in other political
21 organization?

22 A. Give me a second. None that I can recall at
23 this time.

24 Q. Do you hold membership in any other types of
25 associations besides political organizations; such as a

1 fraternal, or I don't know, maybe you serve on your
2 neighborhood, you know, homeowners association or
3 anything like?

4 A. No, we are members of Freedom Street Rescue.
5 We foster abandon puppies.

6 Q. I think I would have 20 dogs if I did that.

7 A. Last Thursday we had 11.

8 Q. 11. And are the -- any of them fosters at
9 this point or have you just --

10 A. Seven of those are fosters, they've all
11 arrived at their new homes in New England.

12 Q. Wonderful. Any other organizations that you
13 can think of?

14 A. None that I can think of.

15 Q. Okay. Are you a registered voter in Harris
16 County?

17 A. I am.

18 Q. Have you ever served as an election judge at
19 the polling place?

20 A. Yes, ma'am.

21 Q. Okay. Tell me about that, how?

22 A. From 2010 to 2013, I served as the alternate
23 presiding judge at Wesley Elementary School in
24 Congressional District 18. I think five, seven
25 elections total.

1 Q. Did you serve as a poll worker for any other
2 period of time besides this one?

3 A. No ma'am.

4 Q. Have you ever served as a poll watcher?

5 A. I have.

6 Q. Tell me about that?

7 A. I served as a poll watcher in several smaller
8 and local elections, usually on the May Uniform
9 Election Day. And I was asked to serve as a poll
10 watcher for the 2015, I believe 2015 Cy-Fair ISD bond
11 election. The first of billion dollar bond election in
12 Texas.

13 Q. School bond?

14 A. School bond.

15 Q. Have you ever been a block walker or
16 sometimes referred to as a canvasser for either a
17 political candidate or for turn out the vote effort?

18 A. I believe years ago maybe as many as 10 years
19 ago I assisted my precinct chair to block walk our
20 neighborhood and leave flyers hanging on doorknobs.

21 Q. And do you remember what that was in support
22 of, or against?

23 A. It was in support of the republican ticket.

24 Q. Okay. And did the door hangers then have the
25 names of the candidates that were on the ticket?

1 A. If I remember correctly, they did.

2 Q. Can you think of any other occasions where
3 you were going door to door from house to house for
4 either a candidate or some kind of campaign?

5 A. No, I can't.

6 Q. When you did this effort about 10 years ago
7 did you knock on doors and engage with voters?

8 A. We knocked on doors, waited for a voter to
9 answer, if the voter didn't answer we simply left the
10 hanger, if a voter answered we introduced ourselves and
11 explained, the candidates for whom we were campaigning.

12 Q. So you had the chance to have some
13 face-to-face interaction with voters?

14 A. Some.

15 Q. Other than the -- so let me just ask you, do
16 you -- is the phrase that you're most comfortable with
17 block walking or canvassing or something else?

18 A. In my mind those are two different functions
19 block walking is a political activity to gain support
20 for candidate or issue in my mind. Canvassing is
21 asking questions and getting information.

22 Q. Okay.

23 A. So in my mind, which is sometimes strange,
24 those are two slightly different issue.

25 Q. Have you ever done canvassing?

1 A. I have not personally.

2 Q. Okay. So besides that block walking effort
3 that you described, have you ever worked on the
4 campaign of a political candidate or for a political
5 issue?

6 A. Not since 2014.

7 Q. And tell me about that, in 2014 in what way
8 did you work on a political campaign --

9 A. In 2014 before I came chair of the Harris
10 County Republican Party Ballot Security Committee, I
11 handed out campaign literature for Dan Patrick.

12 Q. And where did you handout the campaign
13 literature?

14 A. In my neighborhood.

15 Q. And you went door to door?

16 A. Yes, ma'am.

17 Q. Is that different from the --

18 A. Same thing.

19 Q. -- same thing?

20 A. Uh-huh.

21 Q. Okay. So besides the handing out of the
22 campaign material in the block walking effort, have you
23 worked on any other campaigns either, maybe making
24 phone calls from a central location to urge voters to
25 turn out or --

1 A. Yes.

2 Q. -- other types of campaign activity?

3 A. I can't recall anything beyond what I've
4 already described to you.

5 Q. Okay. Do you know if you'll be testifying in
6 this case?

7 A. I do not know.

8 Q. Okay. I'm going to ask you a couple
9 questions now about the Ballot Security Committee. You
10 mentioned that before you became involved with the
11 Ballot Security Committee you were handing out the
12 campaign material for the republican ticket and you
13 mention that was probably about 10 years ago.

14 So tell me whether your involvement
15 with the Ballot Security Committee then was at the time
16 of the creation of the Ballot Security Committee?

17 A. No, ma'am. It was not. Ballot Security
18 Committee had been created at least 15 years prior to
19 my taking the chairmanship in 2014.

20 Q. Okay. If you could for me summarize the --
21 are you still chair of the Ballot Security Committee?

22 A. I still am.

23 Q. And as chair you're familiar with the
24 activities of the Ballot Security Committee?

25 A. Yes.

1 Q. Can you tell me in a sort of summary fashion,
2 the various activities of the Ballot Security
3 Committee?

4 A. As described in the Republican -- Harris
5 County Republican bylaws, Ballot Security is
6 responsible for promoting election integrity and in all
7 the activities that support that. So that would
8 include discipline on voter registration, recruiting
9 and training of poll watchers. In prior years we were
10 also responsible for recruiting election workers, but
11 we have surrendered that in the last two cycles, to the
12 Party staff; supporting good election legislation as
13 guided by the Executive Committee and testifying when
14 possible in support of good election legislation.

15 Q. I'm just catching up. You mentioned
16 discipline on voter registration, to you mean the voter
17 registration conducted by the Harris County Republican
18 Party or voter registration in a bigger sense?

19 A. Thank you for the clarification. We observe
20 and monitor Harris County's voter registration's roles.

21 Q. Does the Harris County Republican Party
22 conduct voter registration efforts of they own?

23 A. I believe they do, but I am not a part of
24 that.

25 Q. You mentioned in prior years that you used to

1 recruit election workers, but you had surrendered that
2 to party staff in the last two election cycles; is that
3 right?

4 A. That is correct.

5 Q. And when you say party staff, who -- who is
6 that?

7 A. These are paid employees who work for the
8 Party.

9 Q. And so it's their function now to collect
10 names and submit them to the Harris County elections
11 for vetting for poll workers?

12 A. That is correct.

13 Q. Okay. Tell me how you recruit and train poll
14 watchers?

15 A. The recruiting takes many forms. I am a
16 frequent speaker at political organizations. We run
17 notices for poll watchers in the county party news
18 letter and online. The Ballot Security Committee
19 members are also encouraged to reach out in their
20 neighborhoods and find people in serving as poll
21 watchers. Training poll watchers I do personally, no
22 one else hands that. It is a two hour class in person
23 with a test at the end and except for the 2020 COVID
24 year it has never been an online class. It's always
25 been in person.

1 Q. When was the most recent training that you
2 conducted?

3 A. Most recent training was October of 2022.

4 Q. Okay.

5 A. I did 17 classes that summer into the fall.

6 Q. When you're doing the training in the two
7 hour class, do you use any kind of materials of any
8 sort?

9 A. There are two kinds of materials, there is a
10 PowerPoint presentation which technically belongs to
11 the Harris County Republican Party, I created that for
12 them. And there poll Watcher Guide book which I hand
13 at no charge to every student.

14 Q. You mention the PowerPoint presentation
15 belongs to Harris County, are you the author of the
16 PowerPoint?

17 A. I am.

18 Q. Okay. And the Poll Watcher Guide book, who
19 is the author of that?

20 A. The original one? My wife Colleen. It's
21 been updated after every legislative session because
22 the code changes.

23 Q. And who does the updating?

24 A. I'm -- I do it now, unfortunately.

25 Q. Where do you do the trainings for the poll

1 **watchers?**

2 **A. All over the county, Whenever possible in**
3 **county owned buildings. We have community centers that**
4 **the Harris County Government has set up. Whenever**
5 **possible we conduct the training in those publicly**
6 **owned centers.**

7 **Q. So do you bring with you your laptop with the**
8 **PowerPoint on it?**

9 **A. I do.**

10 **Q. Do you have like a little projector?**

11 **A. A projector is usually provided by the**
12 **facility, but there have been times that I brought a**
13 **spare, thank God.**

14 **Q. And you mention that the guidebook that you**
15 **provide at no cost, does that mean that you personally**
16 **make the photo copies?**

17 **A. In 2022 the County Republican Party paid for**
18 **the reproduction of the guide books.**

19 **Q. Okay. And are -- are the trainees allowed to**
20 **take that guidebook home with them after they're done?**

21 **A. They take them home with them and encouraged**
22 **to take them with them to the Polls.**

23 **Q. Now you mention a test at the end, is that a**
24 **written test?**

25 **A. It's not a written test, it's an oral. It's**

1 a review.

2 Q. And then is that conducted with the group as
3 a whole?

4 A. It's conducted with the group as a whole.

5 Q. So do people just, you call out the questions
6 and people raise their hands and call the answers?

7 A. Correct, uh-huh.

8 Q. Do you have the test written down in front of
9 you?

10 A. It's on the PowerPoint slides?

11 Q. Okay. And so you just know at the end which
12 questions to call out for people to make sure?

13 A. There are 20 questions, they appear in
14 sequence on the slides.

15 Q. Oh, I see. So there's something at the very
16 end of the PowerPoint that has the questions?

17 A. Correct.

18 Q. Understood. When you update your PowerPoint
19 for a training, do you save the PowerPoints from
20 before?

21 A. I don't remember. I think so, I don't think
22 I delete them from my laptop.

23 Q. Okay. So for example if you wanted to
24 compare what your training looked like before SB 1 and
25 after SB 1 would you be able to go --

1 A. I could do so. Yes, ma'am.

2 Q. Okay. Thank you.

3 MR. TAYLOR: Mr. Vera, let her
4 completely finish her question, you're anticipating it
5 ever so slightly.

6 THE WITNESS: Thank you. Thank you.

7 Q. (BY MS. PERALES) Okay. Next on my list is
8 supporting legislation related to election integrity
9 and I would like to know what activities fall under
10 that topic?

11 A. The primary activities that fall under that
12 topic is providing our Harris County republican
13 representatives with lists of items in the election
14 code that need to be addressed, and then testifying in
15 the Senate and house committees that are hearing any
16 bills written to those lists of suggestions.

17 Q. When you provide the lists, do you generally
18 prepare that in written form?

19 A. It varies. There are some meetings in which
20 I have a list typed up and copied, others are simply
21 verbal discussions over a cup of coffee.

22 Q. You mentioned Harris County legislators?

23 A. Republican legislators, sorry.

24 Q. Yes, of course. Does that include House and
25 Senate?

1 A. Yes, ma'am.

2 Q. Okay.

3 MS. PERALES: I'm sorry, should we
4 take a break?

5 MR. TAYLOR: No, no, no, I was just
6 making a point -- nothing about what you all are doing.

7 MS. PERALES: Sorry. Just let me know
8 if you're going to need a break.

9 Q. (BY MS. PERALES) And we were talking about
10 Harris County Republican, let's start with members of
11 the House. With whom have you met who is currently in
12 the House or with whom have you communicated who's
13 currently in the House about goals for ballot integrity
14 legislation?

15 MR. TAYLOR: Let me just hop in for a
16 quick second. My job here is just to protect
17 attorney-client privilege and that's it. But if you're
18 going to ask questions that might be involved with
19 legislative privilege or something like that, I -- I'm
20 going to defer to the other lawyers who represent other
21 parties, I just want to make that clear.

22 MS. PERALES: Understood.

23 MR. TAYLOR: Okay.

24 A. It -- it varies by session. In preparation
25 for the current session, the Republican Party of Harris

1 County hosted a luncheon and every one or our Harris
2 County Republican State Representatives and Senators
3 attended.

4 Q. (BY MS. PERALES) Okay. And at that luncheon
5 did you engage with anybody -- I'm just trying to get a
6 sense of how this works -- did you engage with elected
7 officials, at the luncheon about ballot integrity
8 legislation?

9 A. At the luncheon I had five minutes to discuss
10 some of the problems that had not been -- the loopholes
11 have not been closed that are causing problems with out
12 election workers with the entire group.

13 Q. I see, so you were essentially making a
14 presentation to them?

15 A. Informal presentation, yes.

16 Q. But you had the floor?

17 A. For five minutes.

18 Q. That's good, okay. And when you say
19 loopholes that weren't closed, does that mean SB 1?

20 A. No, it means in general.

21 Q. Okay.

22 A. What has been reported by our election
23 workers that needs to be addressed.

24 Q. Okay. You mentioned the list that -- that
25 can be many written form, aside from the list have you

1 ever written something more detailed about a proposal
2 that you wanted a legislator to consider. So for
3 example, have you ever taken a stab at maybe drafting a
4 provision that you would want to see?

5 MR. WASSDORF: I'm going to object to
6 the extent that this could get into any responses to
7 legislative inquiries on the grounds of legislative
8 privilege.

9 Q. (BY MS. PERALES) You may answer.

10 A. Not until this year for the current session.
11 I was asked to join a task force of grass roots
12 activist to examine and work on the concerns about
13 ERIC, E-R-I-C, electronic registration information
14 center. We studied it, interviewed people across the
15 country for seven months and I was asked to draft a
16 possible bill that would open the ERIC functions put
17 broader range of solutions. It's the first time I've
18 done that.

19 Q. Uh-huh.

20 A. That has been -- I did not submit it, it was
21 submitted by our task force leader and it has become a
22 bill in the current legislature.

23 Q. In the current Texas Legislature?

24 A. Current Texas -- the 88th Legislative
25 session.

1 Q. And the task force that you were on was it a
2 Texas only task force?

3 A. Texas only task force.

4 Q. Okay. So prior to working on drafting
5 legislation, this -- for this 88th regular session, in
6 the past if you had a proposal that you wanted to see
7 enacted, how much detail would you put into writing it
8 down?

9 A. I understand. Again, with acknowledging the
10 objection, in between the first and second special
11 sessions of the 87th legislature I sent an email with
12 two sentences to the legal counsel of our senator
13 asking that they consider adding these two sentences to
14 Senate bill one for is second special session. They
15 studied it, liked it, recommended it and it was added
16 to Senate bill one.

17 Q. And when you say our senator, do you mean
18 Senator Bettencourt?

19 A. I do.

20 Q. Okay. And then do you remember what the two
21 sentences were on?

22 A. Yes. The two sentences involved requiring
23 the every county in Texas to reconcile the number of
24 ballots with the number of voters after every election.

25 Q. Do you remember the name of Senator

1 Bettencourt's I guess general council?

2 A. I do.

3 Q. Tell me what that is. That -- by the way,
4 that was very good, whoever prepared you for this
5 deposition is -- did a great job.

6 A. Sonya Aston.

7 Q. And did you send the two sentences to
8 Ms. Aston by email?

9 A. By email.

10 Q. Okay. And did she then respond to you?

11 A. She respond and said I'll see what I can do.

12 Q. Okay. Then how did you know -- how did you
13 come to learn that it was well taken and then going to
14 be put in the Bill?

15 A. Well, as you know in Texas Legislature every
16 special session, every bill has to be re-filed. So
17 when Senate bill was re-filed for the second special
18 session my two sentences were there.

19 Q. Do you think you would still have that email
20 to Ms. Aston if your email history somewhere?

21 A. I don't think so, it's been well over a year.

22 Q. Okay. What email service do you use?

23 A. Outlook.

24 Q. Outlook. Do you know if outlook keeps your
25 older emails?

1 A. I don't know.

2 Q. Okay. Okay. Now, I think last on my list is
3 testifying when possible in the legislature, do you
4 recall testifying in the do you recall testifying on SB
5 1 at all?

6 A. I do.

7 Q. Okay. And do you recall testifying on SB 1
8 in the second special?

9 A. I do.

10 Q. Okay. I remember being in a committee
11 hearing and you and I were both there and you were
12 testifying, I can't remember for sure if it was the
13 second special. But I -- I remember your testimony, do
14 you -- would you, for example in the second special
15 provide both written and verbal testimony?

16 A. Rarely.

17 Q. Okay.

18 A. Rarely. Occasionally I will bring exhibits
19 to supplement my verbal testimony. I rarely provide
20 written testimony.

21 Q. Okay. Do you recall whether you provided any
22 written testimony on SB 1 or it's predecessor's bills
23 HB 6, SB 7?

24 A. I don't think I did provide written
25 testimony. I think it was all verbal.

1 Q. Do you go up with like index cards or a piece
2 of paper?

3 A. I type up every word I'm going to say and
4 I've timed it out for two minutes in the Senate and
5 three minutes in the House.

6 Q. And you take those notes back with you?

7 A. I do.

8 Q. Okay. I noticed when I -- I went to the
9 Harris County Republican Party website that there was a
10 link that -- that one could click on to get involved or
11 volunteer with the Party and it allowed me to put my
12 name and my VYD information if I wanted to serve as an
13 election worker; are you aware of that part of the
14 website?

15 A. I am aware.

16 Q. Do you know if those pages or the information
17 that's gathered there is used also to recruit poll
18 watchers?

19 A. I don't deal with that information, but I
20 think it's not impossible that once the party contacts
21 the person who left their name they could add poll
22 watching as an option of volunteer activity.

23 Q. How do you get the names of potential poll
24 watchers?

25 A. I get them from the county party.

1 Q. Okay. So the paid staff?

2 A. Uh-huh.

3 Q. All right. And who is responsible for
4 getting those individuals to a training that you would
5 give?

6 A. The paid staff.

7 Q. Okay. So you don't have to be chasing people
8 down telling them, it's at Saturday at 10 a.m.

9 A. Not anymore.

10 Q. Okay. Okay. When I'm quiet I'm crossing off
11 questions, so it's a good thing. I'm already on page
12 6, we're just zipping right along here.

13 MR. TAYLOR: You left out a key fact,
14 what's the last page number?

15 (Laughter.)

16 MS. PERALES: Well, it's not six,
17 but -- but we're actually making really -- I think our
18 conversation, so it touched on several different
19 things, so I'm catching up with myself and crossing off
20 the questions.

21 THE WITNESS: While you're doing that,
22 can we take a break?

23 MS. PERALES: Of course.

24 THE WITNESS: Thank you.

25 MS. PERALES: Let's take a five minute

1 break.

2 THE REPORTER: Okay. Going off the
3 record at 10:29 a.m.

4 (Off the record.)

5 THE REPORTER: Going back on the
6 record at 10:42 a.m.

7 Q. (BY MS. PERALES:) Okay. Mr. Vera, I am going
8 to ask you some more specific questions about poll
9 watchers and your training of the poll watchers
10 comparing the before SB 1 to the after SB 1 period of
11 time, okay?

12 So did your training change at all for
13 poll watchers with respect to what they could do in the
14 polling place while voting is happening?

15 A. It did not change significantly. The two
16 greatest changes.

17 MR. GORE: Let me -- let me just
18 interject here an objection. We've allowed some
19 latitude on the poll watcher training and I'm fine you
20 confirming there were changes to the training.
21 Anything about the substance of the training, the
22 Harris County Republican Party has asserted a First
23 Amendment right to confidentiality and First Amendment
24 privilege not to disclose the substance of the
25 training. So I'm going to ask the witness or instruct

1 the witness not to answer anything about the substance
2 of the training.

3 Q. (BY MS. PERALES:) And Mr. Vera, are you going
4 to follow counsel's advice and not testify about the
5 substance of the poll watcher training?

6 A. I am.

7 Q. Okay. And you did that very elegantly, I --
8 I mentioned previously that so times your Counsel will
9 direct you not to answer and we will then work on that
10 at another time.

11 You mentioned that your poll watcher
12 training did not change significantly, but would it be
13 fair to say that your poll watcher training did change
14 in some respect from the pre-SB 1 period to the post SB
15 1 period?

16 A. Yes.

17 Q. Aside from the training that you give poll
18 watchers, do you also receive communications from poll
19 watchers while election day is going on?

20 A. I do.

21 Q. Okay. And generally how do you receive those
22 communications?

23 A. By text or email.

24 Q. Have you ever had a poll watcher call you on
25 your cell phone during election day to ask for you

1 guidance or advice?

2 A. Yes.

3 Q. So then would it be fair to say you

4 communicate with poll watchers by text, email, and

5 telephone?

6 A. Yes.

7 Q. And in these communications, would it be fair

8 to say that they're asking for your guidance about what

9 to do in a particular situation?

10 A. Frequently.

11 Q. Okay. And do you then provide that guidance

12 to them based on your understanding of SB 1 and other

13 parts of the election code that deal with poll

14 watchers?

15 A. That is correct.

16 Q. You mentioned the training manual that you

17 encouraged, that you've created that you encourage the

18 poll watchers to bring with them to the polling place

19 on election day; is that correct?

20 A. I mentioned it, yes.

21 Q. Okay. Can you tell me approximately how many

22 pages long it is?

23 A. It is a graded booklet where there are tabs

24 available to you. I'm going to guess it is a total of

25 18 pages folded and collated and cut very uniquely.

1 Q. Does each page contain approximately 250
2 words?

3 A. No. It's a tiered appearance so that there's
4 a tab on what the content is. So there's a tab that
5 says ID, and they flip it up in that opened is all the
6 informing on ID.

7 Q. Okay.

8 A. So -- and on the back are the actual
9 citations from the election code that relate to the
10 issues on the opposite sides of the page. So 18 pages,
11 but they're not same size.

12 Q. Okay. So if I took the words from your
13 manual and I put them in let's say a word processing
14 document, about how many pages long would it be?

15 A. I don't know.

16 Q. Would it be more than 18?

17 A. No --

18 Q. I'm trying to figure out --

19 A. What font size?

20 (Laughter.)

21 Q. (BY MS. PERALES) 12.

22 A. Yes, then be more than 18 because the font
23 side I have to use for the code is much smaller to fit
24 all the relevant code.

25 Q. Okay. Okay. Would it be fair to say that

1 your Poll Watcher Guide is different from the Poll
2 Watcher Guide published by the secretary of state?

3 A. It is. It is in format.

4 Q. Okay.

5 A. It's much more usable.

6 Q. Okay.

7 A. It is a flip chart as opposed to a PDF, you
8 know, like several 100 pages long.

9 Q. Would you say that there are -- well, so
10 your's is much shorter, so it doesn't contain
11 everything from the secretary of state's guide?

12 A. Uh-huh.

13 Q. Would you say that there are substantive
14 differences between your guide and the secretary of
15 state?

16 A. There's no content difference, mine is more
17 compact.

18 Q. So for example, do you -- would you maybe be,
19 your guide by different from the secretary state's
20 guide if it offered examples that might be different
21 from those of the secretary of state. You see what I'm
22 getting at, whether they're --

23 A. I understand --

24 MR. GORE: And let me just renew the
25 objection, because again this is an area where the

1 Harris County Republican Party has asserted a First
2 Amendment Privilege. I think you can answer yes or no
3 to the question, but instruct the witness not to
4 provide any discussion of the substance of any such
5 differences.

6 A. You're supposed to ask me, will I follow
7 counsel, yes.

8 (Laughter.)

9 Q. (BY MS. PERALES) Are you following your
10 counsel's advice?

11 A. I am following the counsel's advice.

12 Q. All right. So your counsel said don't give
13 substantive, but he's allowed you to answer yes or no.

14 So is the answer to then yes or no to
15 my question whether there are substantive differences
16 between your guide and the secretary of state's guide?

17 A. Let me ask you to clarify for me which
18 secretary of state Poll Watcher Guide you're referring
19 to, because there are many iterations.

20 MR. TAYLOR: And Nina, just to clarify
21 you already know this, but Mr. Gore is not Alan Vera's
22 personal counsel. You're saying your lawyer this,
23 "your lawyer that. That's actually me, Andy Taylor,
24 but Mr. Gore represents Harris County Republican Party,
25 and that's why he rather than me is asserting this

1 First Amendment Privilege because I'm not representing
2 the Republican Party in this litigation. So just that
3 -- just to keep things straight.

4 MS. PERALES: Thank you for that
5 clarification.

6 Q. (BY MS. PERALES:) So Mr. Vera when you
7 decline to answer based on Mr. Gore's instruction, you
8 are declining to answer based on the instruction of a
9 lawyer who is not your lawyer, but who is the lawyer
10 for the Harris County Republican Party?

11 A. That is correct.

12 Q. Thank you. And to clarify my question I'm
13 going to mark, although I only have one copy. A
14 January 2022 publication by the secretary of state's
15 Elections Division titled Poll Watchers Guide. We will
16 mark that deposition Exhibit No. 2.

17 (Exhibit No. 2 marked.)

18 Q. (BY MS. PERALES:) Take a moment if you will
19 to take a look at the document?

20 A. Even they had a change for SB 1. Thank you
21 for letting me see that. The combination of the
22 PowerPoint and the Guide that they carry with them, is
23 very similar to this booklet, combined.

24 Q. Okay. So let me ask you a few questions,
25 with respect to Exhibit 2, had you ever seen that

1 version of the document before I gave it to you today?

2 A. Online. I reviewed it online, but not hard
3 copy.

4 Q. Okay. So when I make reference to the
5 secretary of state's Poll Watcher Guide, will you
6 understand that I'm referring to the January 2022
7 version?

8 A. I do, yes.

9 Q. Okay. Now, let me go back to my earlier
10 question, which is that the -- your guide, which you've
11 described as 18 pages, would you agree with me that
12 there are substantive differences between your guide
13 and Exhibit 2?

14 A. That is a difficult question to answer
15 because --

16 MR. GORE: Again, I'm just going to
17 renew the objection and instruct the witness that he
18 may answer to the extent that doing so does not reveal
19 the substantive content of his guidebook which -- over
20 which Harris County Republican Party has asserted a
21 First Amendment Privilege.

22 A. The combination of the PowerPoint
23 presentation and the guide is substantively the same as
24 what's in here, combined.

25 Q. (BY MS. PERALES:) I understand. So if

1 combined you -- you believe they're substantively the
2 same. Would it then be correct that your guide by
3 itself is not substantively the same as the secretary
4 of state's guide?

5 A. My guide is focused on the questions and
6 issues the poll watcher confronts at the polling place
7 itself, not the background of how poll watchers are
8 appointed et cetera, that's in class.

9 Q. And so would the answer to my question then
10 be yes?

11 A. The answer is, it is not substantively
12 different in content from those portions of this
13 document that address the activity at the polling
14 place.

15 Q. Is it your contention then that your guide
16 contains every piece of matter that the secretary of
17 state's guide contains with respect to poll watcher
18 behavior in the, or activities in the poll place --

19 A. It does. It does, on the activity at the
20 polling place, yes, they're very consistent.

21 Q. Did you copy and paste out of the secretary
22 of state guide?

23 A. I did not.

24 Q. Okay.

25 A. I use illustrations.

1 Q. You mean like pictures?

2 A. Yes.

3 Q. I see, okay. Let's talk about the PowerPoint
4 again and the -- and your -- your Poll Watcher Guide.
5 With respect to the guide which your trainees take home
6 with them; is that correct?

7 A. Uh-huh, that is correct.

8 Q. Can you estimate how many copies of your
9 guide either in the current version or in past versions
10 are circulating in the world?

11 A. I know that Harris County Republican Party
12 printed 5,000 of them for our use here in Harris
13 County, so that's the ones I know about.

14 Q. And you when you say printed 5,000, you mean
15 just for the November 2022 election?

16 A. For the primary election, primary runoff, and
17 the November election.

18 Q. Okay. So since January of 2022?

19 A. That's correct, because SB 1 went into affect
20 December of 2021.

21 Q. And were the Poll Watcher Guides printed by
22 the Republican Party only physically distributed by you
23 or were they distributed by other folks as well?

24 A. Only by me in my classes.

25 Q. And how many have you distributed?

1 A. Probably 1,000.

2 Q. Okay. And do you know where those copies are
3 today?

4 A. Yes. Oh, the ones I distributed?

5 Q. Yes.

6 A. I do not. They're -- they're in the
7 possession of the poll Watchers, as far as I know.

8 Q. Have you ever printed your PowerPoint and
9 given that to anybody?

10 A. No, ma'am.

11 Q. Would you say that with respect to the
12 approximately 1,000 Poll Watcher Guides that you
13 prepared, that there is a possibility that at this
14 point some of those guides have made their way to other
15 individuals who maybe weren't the original recipients?

16 MR. TAYLOR: Objection to form.

17 A. I have no idea.

18 Q. (BY MS. PERALES:) Do you think that it's
19 possible that some of your guides maybe in circulation
20 beyond the original recipients?

21 MR. TAYLOR: Objection to form.

22 A. I have no idea.

23 Q. (BY MS. PERALES.) If a general member of the
24 public asked you for your guide, let's say a friend of
25 one of your trainees comes at the end of the training

1 and says, "I'm here to pick up Susan, Susan's guide
2 looks very interesting," and they would ask for another
3 copy, would you give them another copy?

4 A. No.

5 Q. And why is that?

6 A. Because I only want these in the hands of the
7 people I've trained.

8 Q. Okay. What steps do you take to ensure that
9 the guides stay in the hands of the people you trained?

10 A. All the steps I can take. The guides are
11 with me personally and I personally hand them to the
12 students and they leave with them, once they leave I
13 have no control.

14 Q. Okay. Okay. I'm going to ask you some
15 questions about your training of poll watchers. Well,
16 let me ask you an earlier question first, just to nail
17 down something. Is there anybody else who trains,
18 besides you, who trains poll watchers who will serve on
19 behalf of Harris County Republican Party?

20 A. No.

21 Q. I'm going to ask you some questions now about
22 your training with the understanding that they may draw
23 objections, and so I will just embark upon them for the
24 purpose of the record.

25 Can you tell me how your training of

1 poll watchers may have changed or didn't change based
2 on the enactment of that part of SB 1 that says "Poll
3 watchers may not be denied free movement where election
4 activity is occurring within the location at which the
5 watcher is serving?"

6 MR. GORE: Objection, First Amendment
7 Privilege, instruct the witness not to answer.

8 Q. (BY MS. PERALES) And will you follow the
9 instruction of Mr. Gore not to answer?

10 A. I will.

11 Q. Did your training of poll watchers change
12 following enactment of that portion of SB 1 that
13 prohibits an election official from taking any action
14 to obstruct the view of a watcher or distance the
15 watcher from the activity or procedure to be observed
16 in a manner that would make observation not reasonably
17 effective?

18 MR. GORE: Objection, First Amendment
19 privilege, instruct the witness not to answer.

20 Q. (BY MS. PERALES:) Were you -- are you
21 following Mr. Gore's instruction?

22 A. I am.

23 Q. Are you aware that -- well, Harris County
24 Republican Party is the appointing authority for its
25 watchers; is that correct?

1 A. That is correct.

2 Q. Are you aware that SB 1 has now allowed the
3 appointing authority that believes a watcher was
4 unlawfully prevented or obstructed from the performance
5 of the watcher's duties to seek relief in court?

6 A. I am aware.

7 Q. Are you aware of any changes in activity of
8 the Harris County Republican Party with respect to
9 being able to take court action when you believe one of
10 your watchers is being unlawfully prevented or
11 obstructed?

12 MR. GORE: So I'm going to object on
13 First Amendment privilege grounds to the extent the
14 question calls for actions that are not public or
15 communications that are not public and that are
16 internal only to the Harris County Republican Party, to
17 the extent there's anything public out there the
18 witness can testify, but with respect to anything not
19 public, I instruct the witness not to answer.

20 Q. (BY MS. PERALES:) Mr. Vera, are you going to
21 follow Mr. Gore's instruction?

22 A. I am.

23 Q. Can you answer the question with respect to
24 public information only?

25 A. I am not aware at this time of any public

1 statement or intent from the Harris County Republican
2 Party to seek court action with regard to a poll
3 watcher.

4 Q. Without telling me any substance, are you
5 aware of any private communication regarding that?

6 A. No.

7 Q. Can you tell me what "Free Movement of Poll
8 Watchers," means to you?

9 A. Free Movement of poll Watchers," means that
10 with the exception of a voter voting by themselves at
11 the voting booth, the poll watcher is free to move
12 around the polling place to observe all other election
13 activity. The voting booth is off limits if the voter
14 is by himself or herself, or if the voter is being
15 assisted by an assistant the voter brought with them.

16 Q. How far from the voter should a watcher stand
17 to respect that off-limits area you described?

18 A. It's not specified in statute, but they
19 should not be close enough to see the ballot or hear
20 the voter's discussion with the assistant.

21 Q. If the watcher isn't looking at the ballot,
22 how close can the watcher stand?

23 A. If the voter is being assisted by an election
24 worker who is working that polling location, the poll
25 watcher can be right there at the voting booth, and SB

1 I says can even inspect the ballot. That's not true
2 when the voter's being assisted by their own chosen
3 assistant.

4 Q. So how -- you know if a watcher asks you how
5 close can I be in order to perform that function and
6 you say being right there, how close is right there in
7 a numerical sense?

8 A. We are still referring to a voter being
9 assisted by an election worker, I've told the poll
10 watchers they can be right there at the polling booth
11 to be able to see every action made by the election
12 worker and hear every instruction given by the voter to
13 the election worker, close enough to see and hear.

14 Q. Okay. And how far is that in terms of
15 distance?

16 A. It depends how good the poll watchers vision
17 and hearing is.

18 Q. Okay. So let's say it's not great, but the
19 poll watcher still capable of seeing and hearing, if
20 the poll watcher says can I stand one foot from the
21 voter, would you say that's okay?

22 A. I would tell the vote poll watcher if you
23 need to stand one foot from the voter to see and hear
24 everything, yes. Do not make contact with the voter or
25 the election worker.

1 Q. You mean physical contact?

2 A. Correct.

3 Q. And so you mention a moment ago, with respect
4 to a voter being assisted by a poll worker, that the
5 watcher now has the ability to inspect the ballot; do
6 you recall that testimony?

7 A. Yes.

8 Q. Okay. And do you understand that to be
9 inspect the ballot as it's being voted?

10 A. The language in the code of SB 1 states that
11 the voter, that the poll watcher may observe the
12 preparation of the ballot, does not say anything beyond
13 that. So what I have told my poll watchers in class
14 is, if you think you need to you can see that the
15 election worker who is assisting the voter is carrying
16 out the voter's instructions in preparing the ballot.

17 Q. And that means for example being able to see
18 the poll worker make selection of candidate preference?

19 A. As instructed by the voter, correct. The key
20 issue counselor is, is the assistant carrying out the
21 expressed instructions of the voter, that's it.

22 Q. And so the watcher then, you would advise can
23 stand close enough to see and hear not only the voters
24 instructions to the poll worker, but then the poll
25 worker --

1 A. Executing the instructions.

2 Q. -- by making the preference selections on the
3 ballot?

4 A. That is correct.

5 Q. What actions by an election official would
6 obstruct the view of a watcher that would make the
7 observation not reasonably effective when it came to
8 voting?

9 A. Are you referring to the actual preparation
10 of the ballots or other examples in the polling place?

11 Q. The preparation of the ballot.

12 A. Then the election, one offense the election
13 worker could take would be to constantly move his body
14 to block the poll watcher's vision of the ballot
15 preparation.

16 Q. Now, with respect to not preparation of the
17 ballot, but other activities -- interacting with voters
18 in the polling place, what action could an election
19 worker take that would obstruct the view of a watcher
20 in a manner that would make observation not reasonably
21 effective?

22 A. At the voter check-in table, the poll watcher
23 has to be able to hear everything said between the
24 voter and the election worker and to see the
25 information that's coming up on the screen as the voter

1 checks in.

2 So if the election worker, by shifting
3 his body to block the screen or making the table so
4 close to the wall the poll watcher can't stand there,
5 those are things that the election workers could do
6 that would prohibit the -- the poll watcher from being
7 able to see and hear all the transactions.

8 Q. Okay. Describe for me actions by a poll
9 worker that would distance the watcher from the
10 activity or procedure to be observed in a manner that
11 would make observation not reasonably effective with
12 respect to activities that involve the voter?

13 A. The most blatant example of that is an
14 election judge, the presiding judge of a polling place
15 telling the voter they cannot move any closer than this
16 distance.

17 Q. Or telling the watcher?

18 A. Right, telling the watcher they cannot be any
19 closer than this distance.

20 Q. Okay. So for example saying you can't get
21 closer than three feet to the poll worker assisting the
22 voter and casting the ballot?

23 A. Correct.

24 Q. Okay. Is it within the scope of what a poll
25 watcher can do to write down the names of voters as

1 they check in to vote?

2 A. That is not normally within the scope of the
3 poll watcher's activity.

4 Q. Would you consider it prohibited?

5 A. It's not specifically prohibited in statute.

6 When I'm asked that question I tell my students --

7 MR. GORE: -- I'm just going to again
8 interject the objection and instruct the witness not to
9 divulge what he tells his students during training on
10 First Amendment grounds.

11 Q. (BY MS. PERALES:) And are you going to follow
12 Mr. Gore's instructions?

13 A. I am.

14 Q. Uh-huh, let me see if I can find another way
15 to, got this. If I were to ask you whether you would
16 advise me to refrain from writing down the names of
17 voters as they check in, would you advise me to refrain
18 from doing that?

19 A. Mr. Gore?

20 MR. GORE: I understand the question
21 to be a hypothetical about Ms. Perales.

22 MS. PERALES: And -- and I don't live
23 in Harris County, so.

24 A. I would advise the poll watcher to refrain
25 from writing down the voter's names.

1 Q. (BY MS. PERALES) Okay. Have you ever had a
2 poll watcher contact you for guidance on what to do if
3 the voter is communicating with an assistor in a
4 language other than English?

5 A. I have never had a poll watcher contact me
6 for that reason because the poll watchers are
7 instructed in advance about what to do in that
8 situation.

9 Q. Okay. Understanding that the poll watcher is
10 instructed on how they personally should behave, have
11 you ever had a poll watcher contact you to express a
12 concern about an in person assistance in the polling
13 place in a language other than English?

14 A. No.

15 Q. Okay. Are you familiar with organized block
16 walking activities of the Harris County Republican
17 Party?

18 A. From a distance.

19 Q. Okay. Do you know how the Harris County
20 Republican Party recruits block walkers?

21 A. What I know is that the precinct chairs are
22 encouraged to organize people from the precincts to do
23 block walking.

24 Q. And when the precinct chairs organize people
25 from their precincts to do block walking, is that

1 typically an activity that is in support of multiple
2 Republican candidates at the same time or something
3 different?

4 A. I think it is a mixture. If it is a block
5 walking activity before a general election, it's
6 usually multiple candidates. If it's before a specific
7 school board election it maybe for only one or two
8 candidates.

9 Q. Do you know generally what block walkers do
10 when they're block walking?

11 A. Only from what they've told me.

12 Q. Okay. Tell me what you know from what
13 they've told you?

14 A. They work from a list, either in paper or on
15 the phone, they knock on the door, they know the
16 person's name ahead of time, and they follow a script
17 on how to engage the voter with the message being
18 delivered.

19 Q. Okay. Do you know the source of the lists of
20 voters?

21 A. I do not.

22 Q. Do you know if block walkers know when
23 they're knocking on the door, if the voter is over age
24 65?

25 A. I do not know that.

1 Q. Do you know if block walkers know when
2 they're knocking on the door if the voter has requested
3 a mail ballot or is eligible to request a mail ballot?

4 A. I don't know that.

5 Q. Do you know if the Party gives, I don't know
6 a better word than swag, do you know if the Party gives
7 out like T-shirts or buttons or other things to its
8 block walkers?

9 A. I do not know for certain, but I have seen
10 candidates give buttons and shirts to block walkers.

11 Q. And would those be block walkers that were
12 organized by the Harris County Republican Party?

13 A. I'm not sure.

14 Q. Have you seen the script that the block
15 walkers use when they interact with the voter?

16 A. I have not.

17 Q. Okay. Do you know if the Harris County
18 Republican Party recruits individuals to be available
19 to provide assistance to voters in person at the
20 polling place?

21 A. I have never seen that activity by the
22 Republican Party of Harris County.

23 Q. Okay. Do you know whether, for example -- do
24 you know whether for example, if Harris County
25 Republican Party has a table set up outside the polling

1 A. There is no coffee and donuts.

2 Q. It's a very serious meeting then?

3 A. Very serious.

4 Q. Okay. Do you hold these meetings at a party
5 headquarters or at a restaurant?

6 A. We hold the meetings in the lobby conference
7 room of the Party headquarters building.

8 Q. Okay. So no food?

9 A. No food.

10 Q. Okay. Do you have a vote, because you
11 mentioned there are 13 voting members?

12 A. I have a vote in the committee, yes.

13 Q. Okay. Have you personally ever assisted a
14 voter who needed assistance voting in person in the
15 polling place?

16 A. During the time I was an alternate judge at
17 Wesley elementary school I was asked by voters from
18 that precinct to assist them and yes, I did.

19 Q. And what types need for assistance did you
20 see at that time?

21 A. During that time I was asked by a voter to
22 explain why there were no democrat candidates for that
23 office and I had to explain that none had filed to run.
24 The voter was concerned and confused, I explained that.

25 Q. Okay.

1 A. The -- another voter asked me to explain a
2 bond proposition to them I told them I was not allowed
3 to do anything, but read the language on the ballot and
4 could not answer questions.

5 Q. Okay. And so my next question is, what was
6 the -- what was it about the voter that required
7 assistance in voting. So for example inability to read
8 or write or physical disability or --

9 A. I had not had any of those instances. The
10 questions I got were about specific ballot issues.

11 Q. I see. Okay. So would it be fair to say
12 then that you've never assisted in voting in person at
13 the polling place a physically disabled voter who
14 required your assist -- who required assistance to
15 vote?

16 A. In the places I've worked they always came
17 with their own assistant.

18 Q. Okay. Have you ever had occasion to assist a
19 voter who was, who didn't speak English and needed
20 assistance interpreting the ballot at the polling
21 place?

22 A. Only to the extent of showing them how to
23 turn on the Spanish language ballot and the headphones
24 that read the ballot in Spanish.

25 Q. Okay. Have you ever interacted with a voter

1 in Spanish while delivering that type of assistance?

2 A. Yes, but just to give the instructions on how
3 to access the Spanish language ballot and the Spanish
4 language reading of the ballot.

5 Q. I won't presume, but you are from El Paso,
6 does that mean you speak Spanish?

7 A. It means I spoke Spanish before I spoke
8 English.

9 Q. And you still have some ability today?

10 A. I can order a beer and chips with the best of
11 them.

12 (Laughter.)

13 Q. (BY MS. PERALES:) Okay. Have you ever
14 assisted a family member or friend?

15 A. I have not.

16 MR. TAYLOR: Let the question finish
17 before you answer.

18 THE WITNESS: Thank you, sorry.

19 Q. (BY MS. PERALES:) I've been talking up until
20 now about voting in the polling place, but I'll also
21 ask, have you ever assisted a voter who requested your
22 assistance in casting a ballot by mail?

23 A. I have not.

24 Q. Have you ever assisted a voter in preparing
25 an application for ballot by mail?

1 A. I have not.

2 Q. And that includes friends, family members,
3 neighbors, anybody like that?

4 A. It does.

5 Q. Okay. Are you aware of any instances in the
6 polling place in which a voter assistor helped a voter
7 who was not eligible for voter assistance?

8 A. Repeat the question, please.

9 Q. Are you aware of any instances in which a
10 voter assistor helped a voter in the polling place who
11 was not eligible for voter assistance?

12 A. I have not personally seen that. I have
13 received reports from poll watchers expressing that
14 concern.

15 Q. Okay. And what would you do in response to
16 that concern?

17 A. I would simply have the poll watchers take
18 notes and submit it with the report.

19 Q. Okay. And did you ever follow up on any --
20 well, did you ever receive any written concerns like
21 that?

22 A. Yes.

23 Q. And what did you do to follow up?

24 A. We followed up with the Ballot Security
25 Committee looking into the voter assistant, because

1 they sign in now. We've done open records request,
2 received the name of the assistant, and done a little
3 digging. We haven't found anything extraordinarily
4 evil.

5 Q. Anything slightly evil?

6 A. No, just questions about whether the voter
7 really did need an assistant or not.

8 Q. Okay.

9 A. But those are judgment calls in many cases.

10 Q. Have you ever contacted a voter to verify
11 whether the voter needed assistance?

12 A. I have not.

13 Q. Okay. Now, have you -- are you aware of any
14 instances in which a voter assistor told a voter how to
15 vote in the polling place?

16 A. We have had those incidents reported to me by
17 poll watchers and by election workers and they were
18 simply instructed to advise the assistor that they're
19 to follow the direction of the voter and not vote in
20 place of the voter. So, yes we have had those
21 instances reported.

22 Q. Did you ever receive any reports like that in
23 writing?

24 A. Yes.

25 Q. Okay. And so since you received it in

1 writing after the voting has ended, what have you done,
2 if anything in response to receiving something in
3 writing?

4 A. Two things, the issue is, the issue and the
5 incident is reported on our legislative preparation
6 documents and reported to the Harris County Republican
7 Party's election issue repository. So there's two
8 records of it.

9 Q. And would you have access to those records
10 today?

11 A. I do not have access to the main repository,
12 only my own notes.

13 Q. Okay. And do you have notes documenting any
14 instances in which an assistor told a voter how to
15 vote?

16 A. I do.

17 Q. Okay. Where are those notes now?

18 A. They're at home.

19 Q. Okay. And you would be capable of producing
20 them in some form, if needed --

21 A. I could, but you could not read them probably
22 because they're all handwritten.

23 Q. Can you recall the date of the most recent
24 time you would have noted an -- a report of an assistor
25 telling a voter how to vote in a polling place?

1 A. I cannot recall, it has been a while.

2 Q. Okay. Has it been more than five years?

3 A. No, but more than two.

4 Q. Okay. And that would be a single instance or
5 multiple instances?

6 A. I can't remember.

7 Q. Okay. Okay. Do you recall the last time you
8 asked an election worker to instruct an assistant to
9 carry out the wishes of the voter?

10 A. I never do that personally. I instruct
11 either the poll watcher or one of my workers to bring
12 the issue up with the election judge.

13 Q. And do you recall the last time you did that?

14 A. In early voting for the November 2022
15 election?

16 Q. Do you recall where that polling place was?

17 A. I don't.

18 Q. Okay. And was that a single instance or
19 multiple instances?

20 MR. TAYLOR: Let me -- let me hop in,
21 I'm the new kid on the block here, but I was told that
22 the November 2020 election cycle was not going to be
23 discussed today and this witness didn't prepare --

24 MS. PERALES: Okay.

25 MR. TAYLOR: -- for that subject area.

1 Now, I could be wrong, but that's what I was told.

2 MS. PERALES: Yeah, and I'm sorry we
3 sort of drifted into that because I was asking when
4 something happened and he mentioned --

5 MR. TAYLOR: Right, right.

6 MS. PERALES: -- so thank you for that
7 reminder. I will not ask you about that from the
8 November 2022, because we're going to stick to before
9 that.

10 Q. (BY MS. PERALES:) Before November of 2022,
11 can you think of an instance where you instructed poll
12 watcher or poll worker to deal with an issue of an
13 assistor who was suspected of telling a voter how to
14 vote?

15 A. I believe that in the May uniform election
16 date of 2022, so it was not the November, but the May
17 in an ESD Emergency Services District Election, I did
18 have a poll watcher, I gave a poll watcher guidance to
19 have the presiding judge counsel the assistor not to
20 make decisions for the voter.

21 Q. And do you know whether the assistor was a
22 private individual or an election worker?

23 A. It was an election worker.

24 Q. And how did your watcher know that election
25 worker was telling that particular voter how to vote?

1 A. Because the election worker was the assistant
2 and the poll watcher is now allowed to be at the booth
3 with the election worker assistant, and the poll
4 watcher was and could overhear and see what's going on.

5 Q. And what did the poll watcher say exactly
6 that -- that communicated their understanding that the
7 election worker was somehow voting for the voter or
8 telling the voter how to vote?

9 A. The voter was pondering different races and
10 candidates and the election worker was making strong
11 suggestions on whom the voter should choose.

12 Q. Do you know whether that particular voter was
13 physically disabled or --

14 A. I do not.

15 Q. -- okay. Okay. Do you know whether -- did
16 the watcher report that the voter -- let me see, how do
17 I ask this question? Let me start again. Did the
18 watcher report that the election worker assistant voted
19 for the voter, prepared the ballot in anyway that was
20 different than what the voter wanted?

21 A. That particular instance, the poll watcher
22 reported that the election worker assistant was
23 strongly suggesting to the voter which choices he
24 should make in casting his ballot.

25 Q. Okay. And understanding that, that's not

1 okay. Did the poll watcher communicate how the ballot
2 was ultimately prepared?

3 A. Poll watcher communicated that he, as he
4 should have, spoke directly to the election worker.
5 Okay. And then went and saw the presiding judge to
6 also come and reinforce it.

7 Q. Did the poll watcher say how the ballot was
8 prepared?

9 A. I did not ask that.

10 Q. Can you think of any other examples from
11 before the 2022 general election of a poll watcher
12 raising a concern to you or an election official
13 raising a concern to you about an assistor who was
14 voting for the voter or telling the voter how to vote?

15 A. How far back do you want to go?

16 Q. Let's go back in five years.

17 A. Okay. So in 2018, okay? Early voting,
18 November election there were people camped in the
19 parking lot outside the Moody gardens -- moody polling
20 place and they were intercepting voters in the lot
21 locking arms with them and walking them into the poll
22 and announcing themselves as the assistant.

23 Q. Okay. And do you know whether any of those
24 assistors told voters how to vote? Did any watcher or
25 election official tell you those assistors told the

1 voters how to vote?

2 A. It was very similar to what I just described
3 to you in the other situation that, yes, the reports
4 then came in that the assister who had attached herself
5 to the voter was strongly suggesting to the voter which
6 candidates they should select at the polling place --
7 the polling booth -- the voting booth.

8 Q. So was it one assistor at issue?

9 A. There were four people working the parking
10 lot.

11 Q. Okay. But you heard from the watchers or the
12 poll workers that it was this one particular lady?

13 A. No, it was all four ladies.

14 Q. Okay. Four ladies. And do you know whether
15 the ballot was prepared in accordance with the voter's
16 wishes in those instances?

17 A. I do not.

18 Q. Okay. Okay. Do you have any other examples
19 within the past five years?

20 A. Not that I can think of at this time.

21 Q. Okay. I am about to change to another topic
22 can we take a five minute break?

23 THE REPORTER: Okay. Going off the
24 record at 11:41 a.m.

25 (Off the record.)

1 THE REPORTER: Going back on the
2 record at 11:54 a.m.

3 Q. (BY MS. PERALES:) Okay. Mr. Vera, I'm going
4 to turn to talking about the time leading up to the
5 introduction of the election related bills in the 2021
6 regular session. So at this point we're not at SB 1 as
7 we've come to know it, but at that time we had HB 6 and
8 SB 7, I believe.

9 So in the lead up to the 2021, Texas
10 Legislative regular session, it's fair to say that you
11 were interested in seeing one or more bills put forward
12 that we're going to deal with election issues?

13 A. That's correct.

14 Q. Okay. So prior to the start of the 2021
15 legislative session, what steps did you take to
16 advocate for election related legislation in the
17 upcoming session?

18 A. That was the 87th session. In the early days
19 of the session I visited in person in the capital with
20 the state reps and the senators who represent Harris
21 County and this was a verbal communication of the kinds
22 of issues we think needed to be fixed. So we visited
23 together and I talked and they took notes.

24 Q. Okay. Tell me the names of those people.

25 A. Briscoe Cain, Valoree Swanson, Mike

1 Schofield, Paul Bettencourt.

2 Q. Any other senators?

3 A. No.

4 Q. How about Bryan Hughes?

5 A. No.

6 Q. Okay. Cain, Swanson, and Schofield are
7 members of the House, right?

8 A. Correct.

9 Q. Okay. Tell me about how many times you
10 communicated with Briscoe Cain?

11 A. Well, it was the initial visit where I
12 visited all of them. I think twice before the
13 committees began hearing, maybe two times the most.

14 Q. So this would have been after the -- the Legg
15 started?

16 A. After the opening day of the Legg But before
17 the committees began hearing bills.

18 Q. Okay. Did you do any work prior -- sorry.
19 Did you do any work prior to the start of the session?

20 A. I work all the time. Can you be more
21 specific.

22 Q. So bill filing usually opens in November of
23 the year preceding, so just taking you from --
24 following the November 2020 election, knowing that
25 there's an upcoming legislative session?

1 A. Right.

2 Q. Just in that period before the legislative
3 session starts, did you do work -- and I'm sure you
4 must have, so maybe the better question is, what work
5 did do you to prepare for a accomplishing your goals
6 with respect to your legislation --

7 A. -- I understand -- I understand your question
8 now, thank you. Again, just to be clear I -- in that
9 year was mostly phone calls in advance and those start
10 in June. I began calling Swanson and Cain and
11 Schofield in June of 2020 discussing issues that were
12 of concern to the Ballot Security Committee, not bills
13 just issues that needed to be addressed.

14 Q. Uh-huh.

15 A. And then that continued in January of 2021,
16 when I visited their offices and followed up on those
17 issues.

18 Q. Okay. Understood. You met with them one on
19 one?

20 A. Well, in June it was phone calls in January
21 it was visits one on one, uh-huh.

22 Q. Did you meet with the members personally or
23 did you meet with their staff?

24 A. Probably a mix, I can't remember exactly, but
25 I'm sure the -- the members were there on one of the

1 visits and staff on others.

2 Q. Okay. What do you remember advocating on
3 that were related to SB 1, meaning either ended up
4 in -- in SB 1 or one of its predecessor's bills?

5 A. Oh, I see, I see, I see --

6 MR. WASSDORF: I'm going to object
7 again on the basis of Legislative Privilege to the
8 extent that any of the contents of these communications
9 were in response to a legislative inquiry and instruct
10 you not to answer in that regard.

11 MS. PERALES: I don't think you can
12 instruct him not to answer.

13 MR. WASSDORF: Well, I mean --

14 MS. PERALES: But let's -- let's take
15 a minute to think about it.

16 MR. TAYLOR: Doesn't the state --
17 doesn't the state own that privilege though. I mean
18 it's not a privilege that --

19 MS. PERALES: Well, it's -- it's maybe
20 the privilege of a legislator, but it's -- they're
21 third parties. They're not parties to the action here.

22 MR. WASSDORF: I don't know.

23 MS. PERALES: Let me think about this.

24 Let me think about this. I'm -- I'm not going to
25 trying to steamroll you. I do want to stay on the

1 record.

2 MR. WASSDORF: I -- I was asserting
3 the privilege of instructing him not to answer based on
4 Mr. Taylor's representation that he was going to defer
5 to us with respect to our respective privilege
6 objections.

7 MR. TAYLOR: Yeah, and I can make it
8 easier perhaps. I don't want my client a witness to be
9 put in a position where somebody has asserted a
10 privilege and then said that he improperly waived that
11 privilege. So I don't think we have, he and I don't
12 have any choice, but if somebody's going to raise a
13 privilege today, we're just going to have to, you know,
14 not answer that question. But I'm not saying that the
15 privilege is valid or invalid, I have no idea because
16 I'm not involved in this case. So that's -- but that's
17 the practical reality, is I am instructing him not to
18 answer questions that these other lawyers are
19 asserting, but not because they're valid, but because
20 they're asserted.

21 MS. PERALES: Uh-huh. So can you tell
22 me if you're going to assert the Legislative Privilege
23 and instruct the, Mr. Vera not to answer with respect
24 to all communications with legislators and staff?

25 MR. WASSDORF: No, it's just any --

1 the contents of any communications that he made in
2 response to an inquiry from a legislator or legislative
3 staff.

4 MS. PERALES: So can you tell me what
5 it was about my question to Mr. Vera that may have
6 raised that issue for you?

7 MR. WASSDORF: I'm having difficulty
8 in remembering what exactly the wording of the question
9 was, but as it was read the scope of the question
10 appeared to potentially encompass his communications to
11 the legislators or legislative staff in response to a
12 legislative inquiry.

13 MS. PERALES: One second.
14 Let me see if I can divide his
15 testimony in such a way that we are able to segregate
16 those questions on the record and deal with them
17 separately, perhaps down the line a little bit in the
18 deposition.

19 MR. WASSDORF: Sure.

20 Q. (BY MS. PERALES:) So Mr. Vera, would it be
21 fair to say that you had communications with
22 legislators and staff in which you were bringing forth
23 information or requests at your initiative; that's a
24 yes or no question.

25 A. Yes.

1 Q. Okay. Were there ever times when you were
2 communicating with legislators and staff in response to
3 a question from them?

4 A. Yes.

5 Q. Okay. So I'm going to try to divide your
6 testimony into what I believe is non-objectionable, you
7 bringing forth information to legislators and staff at
8 your initiative and then we will try to deal separately
9 with your communications with legislators and staff
10 where they're requesting something from you?

11 A. This is going to be difficult.

12 Q. Okay.

13 A. Because the interaction and the dynamics of
14 the exchanges and discussions, those things overlap
15 continually.

16 Q. Yeah, okay.

17 A. It's going to be difficult.

18 Q. Okay. Well, with without discussing the
19 substance of what they may have been asking you and
20 what you may have been, let me try get a sense of how
21 that would have unfolded.

22 Would it be fair to say that you
23 communicated with legislators and their staff in
24 person, by phone, and by email?

25 A. That would be an accurate statement.

1 Q. Okay. Did you ever have any Zoom meetings
2 with legislators or staff?

3 A. Did not.

4 Q. Okay. And so is it your testimony that when
5 you were communicating with legislators and their
6 staff, that it was a -- a combination of you bringing
7 forth information at your initiative or requests at
8 your initiative and then getting inquiries from them
9 and then you're responding to those inquiries?

10 A. If I understand the question, yes, it was
11 both those issues and frequently in the same meetings.

12 Q. Okay. Is it fair to say then to summarize
13 your earlier testimony that you started calling House,
14 Members and staff and Senator Bettencourt and staff in
15 the summer prior to the January 2021 session, and that
16 your communications with them continued both either
17 through email, calls, or in person meetings until the
18 enactment of SB 1?

19 A. Well, if an enactment means final passage,
20 yes, because SB 1 did not become effective till
21 December of 2021, so, yes to the enactment.

22 Q. Okay. When you responded to inquiries from
23 legislators or staff, would it be fair to say that you
24 were giving them information as well as suggestions on
25 crafting SB 1, or what ultimately became SB 1?

1 A. It would be more -- it would most accurate to
2 say that when I was responding to questions it was
3 providing specific information on problems we had
4 faced.

5 Q. Uh-huh.

6 A. Not craft -- not how to craft SB 1.

7 Q. But suggestions certainly about where, where
8 you wanted to see language to solve certain problems
9 that you had seen?

10 A. I think you've gone a little too far on the
11 specificity. It wasn't the language, it was we've got
12 to find how to fix this. I wasn't suggesting the
13 language and how to fix it.

14 Q. Okay. Certainly not bill language, let met
15 -- let ask my question in a better way then.

16 A. Okay.

17 Q. When you're communicating in response to
18 inquiries from legislators, you were giving them both
19 factual information as well as telling them from your
20 perspective that either certain holes needed to be
21 plugged in the statute or certain issues needed to be
22 addressed by the statute?

23 A. That is correct, but what I did not do was
24 provide language for the statute.

25 Q. Okay. You mention that prior to the start of

1 the 2021 regular session you started calling
2 legislators and their staff on certain issues as far
3 as -- as the summer before so summer of 2021 -- I'm
4 sorry, summer of 2020 --

5 A. 2020.

6 Q. -- And I had asked you a question about what,
7 of those communications were relevant to SB 1, or what
8 ended up in SB 1. So just focusing on your outreach to
9 legislators, starting before the start of the 2021
10 regular session, can you tell me what issues you were
11 reaching out on that were relevant to SB 1? So for
12 example there's lots of issues in the election code and
13 I know that you work on lots of different things?

14 A. Uh-huh.

15 Q. But just specific to what was addressed in SB
16 1, can you remember starting the summer of 2020 what
17 you were advocating on to the members?

18 A. At that time I know I mentioned growth in
19 mail ballot harvesting in Harris County. I know I
20 mentioned problems with election judges preventing poll
21 watchers from being close enough to see and hear
22 activity, and that was partly due to COVID, okay?
23 Those are the two major issues in the summer, was the
24 mail ballot harvesting problem and the carryover poll
25 watcher obstruction problem.

- 1 Q. So prior to SB -- actually, SB 7 and HB 6 --
- 2 A. Uh-huh.
- 3 Q. Getting filed --
- 4 A. Uh-huh.
- 5 Q. In the regular session, did you advocate for
- 6 example on -- and I'm just going to go through the
- 7 provisions, requiring a registrar to report ineligible
- 8 registrants or voters to law enforcement officials?
- 9 A. No, I did not.
- 10 Q. Did you --
- 11 A. But I -- to be clear, I want to be -- I do
- 12 remember also repeating a prior concern about people
- 13 registering to vote using a commercial post office box
- 14 as a residence address. And that was in addition to
- 15 the poll watcher and the mail ballot harvesting.
- 16 Q. Uh-huh.
- 17 A. Sorry, I forgot that.
- 18 Q. Well, that's what I'm going to go through the
- 19 list because who could remember all of it, it's a long
- 20 list?
- 21 A. Okay.
- 22 Q. Do you remember raising before SB 1 was
- 23 filed, concerns to legislators or advocating that
- 24 legislators address voter registration list maintenance
- 25 issues, other than this residential address issue?

1 A. Not on my list.

2 Q. Okay. Do you recall recommending to
3 legislators that SB 1 limit the presiding judge from
4 removing a watcher unless the watcher committed certain
5 infractions, whether those be of the Election Code or
6 the Penal Code?

7 A. Not that specific thought, but in the summer
8 I raised the concerns about poll watchers not being
9 allowed to observe what they're entitled to observe.
10 So I raised the general topic, not that specific topic.

11 Q. Do you know how that specific topic -- how
12 that specificity about prohibiting election judges from
13 removing watchers unless the watcher committed certain
14 infractions; do you know where that language came from?

15 A. I do not.

16 Q. Okay. And of course I should have asked you
17 about the ones above as well, do you know where the
18 language came from in SB 1 about having to have the
19 polling place be in a permanent structure?

20 A. Not that specific thought, no. That didn't
21 come from my discussions.

22 Q. All right. And then do you know where the
23 language in SB 1 came from about not having 24 hour
24 voting?

25 A. No, I do not.

1 Q. Okay. Do you -- do you recall whether you
2 were advocating before SB 1 was filed on making it
3 Class A Misdemeanor to refuse to accept a watcher?

4 A. Not specifically that, no.

5 Q. Do you know the source of where that came
6 from in SB 1?

7 A. I do not.

8 Q. Okay. Now, there's a provision in SB 1 which
9 I believe you said that you did advocate with respect
10 to, which is that the watcher may not be denied free
11 movement where election activity is occurring and the
12 watcher is entitled to sit or stand near enough to see
13 or hear?

14 A. Yes.

15 Q. You advocated on that?

16 A. Yes.

17 Q. Okay. And did you advocate with respect to
18 it being a Class A Misdemeanor to take action to
19 obstruct the view of a watcher or distance the watcher?

20 A. It was already a Class A Misdemeanor.

21 Q. Okay. Do you recall advocating that there be
22 either different or increased penalties to -- for an
23 election judge to either distance the watcher or impede
24 the view of the watcher?

25 A. Not specifically. I did in my summer phone

1 calls, advocate for their being a stronger penalty for
2 election judges who prevent poll watchers from
3 performing their duties.

4 Q. Before SB 1 was introduced, did you advocate
5 on prohibiting mail ballot drop boxes?

6 A. I did not.

7 Q. Do you know where that language -- what was
8 the source of that language for SB 1?

9 A. I don't know.

10 Q. Okay. Before SB 1 was introduced, did you
11 advocate for either applications for ballot by mail or
12 mail ballots to have increased requirements for
13 presenting ID numbers, and then having -- those ID
14 numbers need to be verified in order to count either
15 the application, process the application, or count the
16 mail ballot?

17 A. Not specifically, but I did tell you
18 previously that in the summer phone calls I was raising
19 concerns about mail ballot harvesting in Harris County.

20 Q. Okay. You didn't have that specific proposal
21 "though, let's add an ID requirement to the paperwork
22 and have those things required to be checked"?

23 A. I did not have that specific proposal. I may
24 have pointed out in one or two phone calls, that the
25 states of Wyoming and Alabama required a photocopy of

1 the driver's license of the voter to be included with
2 the ballot.

3 Q. Do you know the -- the source of specific
4 language in SB 1 requiring the ID numbers for ABBMs and
5 mail ballots?

6 A. I do not.

7 Q. Okay. Before SB 1 was introduced, did you
8 advocate at all with legislators for additional
9 information to be asked from individuals who transport
10 curbside voters?

11 A. Did not.

12 Q. Do you know where the source of that
13 language --

14 A. No, ma'am.

15 Q. -- okay. Prior to the introduction of SB 1,
16 did you advocate with legislators to increase
17 requirements on polling place assistants; namely, that
18 the assistant oath include additional statements?

19 A. That was not on my list, no.

20 Q. Okay. And what about whether the assistant
21 would have to say whether they were being compensated
22 by a campaign or a PAC?

23 A. That wasn't me.

24 Q. How about with respect to mail assistants,
25 mail, not male like y'all --

1 prohibited to have an in person interaction with a
2 voter in the presence of the ballot where the -- the
3 person is advocating for a particular candidate or a
4 measure?

5 A. That was not from me.

6 Q. Okay. So what did you advocate for -- well,
7 let me -- let me close that. Do you know where that
8 language came from in SB 1 or its predecessors related
9 to prohibited vote harvesting services as an in person
10 interaction with one or more voters in the physical
11 presence of an official ballot intended to deliver
12 votes for a specific candidate or measure?

13 A. I do not know where it came from.

14 Q. Okay. So what were you advocating for with
15 protect to the vote harvesting?

16 A. Okay. So we got to be careful about stepping
17 on the objections, okay?

18 Q. Yeah, I'm just asking what you were
19 advocating for?

20 A. In my calls I was describing a problem we
21 were, at that time, investigating. In January and
22 February of 2020, a flood of ABBM was received by the
23 Harris County Clerk with significant issues.

24 So I'm reporting problems. 106 ABBMs
25 delivered in a single envelope with no assistant

1 signature to correspond with the act of mailing.

2 Witness signatures on ABBMs requested by people that
3 died in 1990 and 2000 and as recently of 2015 asking
4 for an ABBM in 2020, that's a problem.

5 ABBM signed with a witness by voters
6 whose name was spelled wrong in the signature, that was
7 our concern of ballot harvesting, okay? And it was
8 significant and there were a number of them. So that,
9 I was advocating for solutions to prevent or toughen
10 the penalties for that kind of conduct.

11 Q. Okay. Now, I -- and what you're saying is
12 triggering memory in my part that there's at least one
13 document produced where you were sending an email
14 saying that the voter wasn't even necessarily involved
15 in that process and that you felt that vote harvesting
16 related to the in person interaction may have been not
17 all of what you would like to see with respect to vote
18 harvesting?

19 A. You're remembering correctly, but that was an
20 inquiry from a state legislator, so I won't comment,
21 your -- your memory was correct.

22 Q. Okay. I -- okay. It was produced and it
23 seemed to me that it was you saying to them -- or at
24 least what I saw you saying to them something along
25 those lines. So then, would bit fair to say that prior

1 session?

2 A. No, I did not.

3 Q. And then finally with the respect to the
4 office of Texas Attorney General, did you communicate
5 with anybody in the office of the Texas Attorney
6 General about anything you would have wanted to see in
7 the 2021 session related to voter integrity
8 legislation?

9 A. No, I did not.

10 Q. Now, I'm going to bring you up to the time
11 period of the regular session, the bills are now
12 introduced, you mentioned that you probably had two
13 meetings with legislators or legislative staff after
14 the opening day?

15 A. One or two, uh-huh.

16 Q. Uh-huh. So in addition to personal meetings
17 -- well, let me ask you this, do you know how many
18 times you went up to Austin during the regular session?

19 A. Well, before the committee hearings began
20 with bills, only twice. So January, February, two
21 times.

22 Q. Uh-huh.

23 A. Once the committee hearings began for hearing
24 election bills it was almost weekly.

25 Q. And in the almost weekly visits that you were

1 making after HB 6 and SB 7 are introduced?

2 A. We filed.

3 Q. Were filed, were introduced and the

4 committees started doing their meetings, were you

5 meeting also almost weekly with legislators or

6 legislative staff?

7 A. No, once that -- once the committee meetings

8 began my time was spent in the committee meetings.

9 They drag out forever. So, yeah, I might see staff or

10 members in the hallway or in the Capital Grill, the

11 meetings were few and far between after that.

12 Q. So what might, what do they call it,

13 buttonhole people in the halls or in the Capital Grill

14 and talk to them about the election integrity bills?

15 A. If that means I tripped over them, then yes.

16 I may have tripped over them and made a comment.

17 Q. Okay. So at this point, what is the means by

18 which you are communicating with legislators or

19 legislative staff? At this point has it shifted to

20 emails, phone calls?

21 A. At that point it begins to shift to emails

22 initiated by the legislators or their staff.

23 Q. Uh-huh.

24 A. I am the boots on the ground and I frequently

25 get an email asking me to look for unintended

1 consequences in the language of this bill and I respond
2 with my best evaluation of what might be the unintended
3 consequences. The email you referenced earlier on the
4 issue of ballot harvesting being an in person
5 definition was inquiry from a legislator, and that was
6 my response.

7 Q. Okay. So would it be fair to say then that,
8 once the committee hearings start your interactions
9 with legislative staff and legislators are in the form
10 of providing feedback on specific bill language that
11 they want to vet with you?

12 A. In general, yes. In general, yes. There
13 have been -- there were two occasions in that first
14 regular session when in testimony I mentioned
15 suggestions that might make the Bill better, and in
16 those two cases -- only two -- I was contacted while I
17 was still waiting to testify on later bills and spent
18 time explaining to the staff, this is what I was
19 referring to.

20 Q. And generally that -- would that be by phone
21 or --

22 A. Well, it's in person.

23 Q. In person?

24 A. While I'm still there in Austin.

25 Q. I see. So you might -- a legislator --

1 legislative staff might track you down while you're
2 still in the building and ask you to respond as they're
3 vetting bill language?

4 A. Asking me to explain specifically what I was
5 suggesting in my testimony that might make the Bill
6 better.

7 Q. Okay. Did you ever have an exchange like
8 that that resulted in bill changing in some way?

9 A. I assume there -- yes, but I can't remember
10 which bill. It was not one of these, except for the
11 reconciliation of votes and voters.

12 Q. Okay. So just specific to HB 6, SB 7, SB 1,
13 it's predecessor's bills, do you ever recall advocating
14 during the regular session for something to either be
15 added or changed about those bills that you saw come to
16 fruition?

17 A. Not in the regular session.

18 Q. Okay. And you've testified in favor of the
19 bills during the regular session HB 6 and SB 7, is that
20 correct?

21 A. Correct.

22 Q. Did you advocate for any bills that were not
23 HB 6 or SB 7 to kind of reach out and incorporate maybe
24 a -- a smaller bill that was also moving through the
25 Legg?

1 A. Please state the question again so I'm clear,
2 did I ever advocate for bringing another bill into SB
3 7?

4 Q. Yeah.

5 A. There was one point -- not in regular session
6 I don't think -- but, I advocated bringing Senate bill
7 1589 into Senate bill one or 7, whatever the number was
8 at the time.

9 Q. And did that happen?

10 A. Nope.

11 Q. Was 1589 one of the Bettencourt bills?

12 A. It was. Show you how much influence I have.

13 Q. Well, and Senator Bettencourt he had filed
14 some -- so smaller stand alone bills; is that correct?

15 A. Yes.

16 Q. Did you ever communicate by text with either
17 legislators or legislative staff?

18 A. No, I think Briscoe Cain may have texted me
19 once to ask me to stop testifying on all the bills,
20 swear to God.

21 (Everyone Laughing.)

22 Q. (BY MS. PERALES:) Did he offer a reason why,
23 or did you understand why he was asking?

24 A. This meeting is running too long. The
25 committee hearing is running too long, stop testifying.

1 That was the only one I can recall.

2 Q. Okay. You mentioned that you typically
3 didn't submit written testimony when you testified, but
4 did you submit anything in writing to either
5 legislators or legislative staff that showed your
6 thoughts or perspectives on either SB 7, or HB 6 -- and
7 it could be anything, a memo, an email, a mark up of
8 the Bill with your concerns?

9 A. At that time I'm sure that I don't leave
10 copies of my testimony, but I sometimes give Exhibits.
11 Yes, I did give out Exhibits showing the examples of
12 the dead voters who requested mail ballots, okay, in
13 January, February 2020. So those were handed out to
14 the committees, that was it.

15 Q. And then specific to the bills themselves,
16 did you ever give them any writings that gave your
17 thoughts or reactions to what was in the Bill or what
18 wasn't in the Bill or how the Bill was written?

19 A. Only when -- when asked, I -- I didn't
20 proactively.

21 Q. Uh-huh.

22 A. But if they -- when they asked me say, take a
23 look at this, see what are the unintended consequences
24 I replied.

25 Q. And unintended consequences, when you say

1 that you mean how the Bill language would play out in
2 real life?

3 A. Yes.

4 Q. And whether it would accomplish the goals of
5 the Bill?

6 A. That's correct.

7 Q. Okay. And when you would be asked -- and I
8 won't ask you for the specifics of that just yet -- you
9 could have potentially have responded in writing with
10 respect to that?

11 A. By email, potentially, yes.

12 Q. Okay.

13 A. Usually those were either emails or telephone
14 calls.

15 Q. Do you recall ever advocating for something
16 to be taken out of either SB 7 or HB 6?

17 A. I think the language defining ballot
18 harvesting as requiring personal contact with the voter
19 qualify as that, but again that was in response to a
20 question from a legislator.

21 Q. Okay. Now, as SB 7 and HB 6 are moving
22 through the regular session, what communications are
23 you having with the secretary of state regarding those
24 bills, where Keith Ingram, Christina Adkins, or anybody
25 else in the secretary of state's office?

1 Q. Okay. Same question with respect to the
2 attorney general's office, as the HB 6, SB 7 are moving
3 through the regular session were you having any
4 communications with the office of the attorney general
5 related to these bills?

6 A. No, during that time my communications with
7 the office of attorney general were complaining about
8 lack of action on complaints I had already filed.

9 Q. Okay. And then with respect to
10 communications with office of the governor, were you
11 having any with the officer of the governor -- office
12 of the governor on HB 6, SB 7 during the regular
13 session?

14 A. I cannot remember any communications with the
15 governor's office.

16 MR. TAYLOR: Nina, at what point --
17 I'm not suggesting right now -- do you want to break
18 for lunch?

19 MS. PERALES: Whenever the witness --
20 as I mentioned, you're not a hostage here -- whenever
21 the witness feels like he's comfortable and ready to
22 take that break.

23 MR. TAYLOR: Do you feel like you're
24 making quicker progress than anticipated where it makes
25 sense to just try to get this over with, or is that

1 unrealistic?

2 MS. PERALES: So a lot of the rest of
3 this is -- hold on a second, let me just check and see.
4 So I pretty much -- you've sensed I sort of reached the
5 end of my questions with respect to regular session.
6 So this would be a natural stopping point because you
7 know my next set of questions -- not about the
8 pre-pre-session or the regular, but my next set of
9 questions are going to be about the specials and
10 then --

11 MR. TAYLOR: You think that would be
12 at least an hour?

13 MS. PERALES: Very similar --

14 MR. TAYLOR: I'm just trying to figure
15 out if we should break for lunch.

16 MS. PERALES: -- yes, I think we
17 should break for lunch, if the witness is, you know --

18 THE WITNESS: I never had such power.

19 THE REPORTER: Going off the record at
20 12:44 p.m.

21 (Off the record.)

22 THE REPORTER: Going back on the
23 record at 1:42 p.m.

24 Q. (BY MS. PERALES:) Okay. We're back on the
25 record, Mr. Vera, and I'm going to update our

1 conversation to the time period of the first and second
2 special sessions in 2021. If you recall the 2021
3 regular session ended over the Memorial Day weekend
4 without passage of SB 7, HB 6, and then we had the two
5 special sessions culminating with the legislature's
6 passage of what then came to be known as SB 1.

7 So during the -- now, you had
8 mentioned earlier in your testimony that you did some
9 advocacy during the first special session. Do you
10 remember at this point, I think bills were introduced,
11 I'm not sure whether we got to the committee hearings
12 during the first special, but can you generally give me
13 a sense of what you were doing during the first special
14 on the election integrity bill?

15 A. Well, I testified before the state -- Senate
16 State Affairs Committee on a Saturday. And I testified
17 in the House for Mr. Murrell's Bill that same day and
18 then things kind of ended because everyone had fled to
19 Washington, there was no quorums so they couldn't
20 conduct business.

21 Q. Okay. Do you remember at that point what you
22 were focused on in terms of provisions in the Bill, had
23 your focus remained the same as it was before these
24 bills were filed in the regular or had your advocacy
25 expanded to additional portions of the Bill?

1 A. Nothing changed during the first special
2 session, but while that was going on we were doing our
3 analysis of Harris County's elections again and found
4 once, again, that we had many precincts, many vote
5 centers, where there were many ballots than voters. So
6 between the first and second special sessions is when I
7 advocated for the addition of two sentences to what was
8 then SB 1 that would require every county to reconcile
9 the number of ballots and number of voters.

10 Q. Okay. So in -- I'm going to go over with you
11 again some of the provisions of SB 1 and my question
12 will be, with respect to the time leading up to the
13 legislature's passage of SB 1, whether you did any
14 advocacy on these provisions?

15 A. Now, we're including the summer of 2021?

16 Q. Yeah, all the way through.

17 A. Okay.

18 Q. From pre-filing all the way through -- well
19 you've told me in pre-filing period what you were
20 focused on?

21 A. Uh-huh.

22 Q. But now through you know end of September
23 2021, did you advocate at all with legislatures or
24 any -- any other officials to have registration
25 provisions in SB 1?

1 A. No, I did not.

2 Q. Did you advocate to require the secretary of
3 state to refer information about criminal conduct to
4 the attorney general?

5 A. Did not.

6 Q. Did you advocate with respect to sending
7 lists of voters who were excused from jury duty for
8 nonresidence to the secretary of state?

9 A. Did not.

10 Q. Did you advocate for -- with any legislators
11 or other officials for polling places to be located
12 only inside the physical building?

13 A. Did not.

14 Q. Did you advocate with legislators or other
15 officials about containing the hours of voting so that
16 there wouldn't be voting between 10 p.m. and 6 a.m.

17 A. Did not.

18 Q. Did you advocate with legislators or other
19 officials regarding voting machines not allowing
20 straight ticket voting?

21 A. Did not.

22 Q. Now, you were advocating on poll watchers?

23 A. I was.

24 Q. And so is there a point at which you began to
25 advocate on the specific provisions in SB 1 related to

1 poll watchers, such as prohibiting election judges from
2 removing unruly watchers unless the watcher's behavior
3 violates the Penal Code or was personally observed by
4 the election judge?

5 A. I was not advocating for that. I will tell
6 you that during that time period I advocated for
7 removing some of the original language of SB 1 which
8 allowed poll watchers to carry cameras and take photos
9 and record inside the polling place. I was opposed to
10 that.

11 Q. Okay. Now, the provisions related to -- okay
12 did you advocate in the legislature with other
13 officials during this time period up to passage of SB 1
14 that it be made a Class A Misdemeanor to refuse to
15 accept a watcher?

16 A. I did not.

17 Q. Did you advocate during this time period with
18 either legislators or other officials that SB 1 include
19 language saying that a watcher may not be denied free
20 movement where election activity is occurring --
21 occurring and is entitled to sit or stand near enough
22 to see and hear the conduct of the observed activity?

23 A. Only in my testimony to the committee.

24 Q. And with respect to the time period that
25 we've defined leading the passage of SB 1, did you

1 advocate with legislators or other officials to make it
2 a Class A Misdemeanor to take any -- for an election
3 official to take any action to obstruct the view of a
4 watcher or distance the watcher from the activity or
5 procedure being observed?

6 A. Only in my testimony to the committee.

7 Q. Did you advocate, leading up to the passage
8 of SB 1, on prohibiting mail ballot drop boxes?

9 A. I did not personally advocate in that.

10 Q. Okay. Did you advocate leading up to the
11 passage of SB 1 for language in the Bill that would
12 require voters to put ID numbers on ABBMs or mail
13 ballots as part of the process of verifying voter
14 identity?

15 A. I did not advocate.

16 Q. Okay. Did you advocate leading up to the
17 passage of SB 1 for new information to be gathered from
18 individuals transporting curbside voters?

19 A. I did not advocate for that provision.

20 Q. Did you advocate leading up to the passage of
21 SB 1 with legislators or other officials on adding
22 language to assistor oath?

23 A. I did not.

24 Q. Did you advocate leading up to the passage of
25 SB 1 with legislators or other officials for

1 drive-thru voting.

2 Q. Okay. So we've covered these specific
3 provisions, so let me sort of change somewhat to ask
4 you, on what provisions were you communicating with
5 legislatures or legislative staff during the period
6 leading up to the enactment of SB 1?

7 A. During that period of time I was not doing
8 any individual advocacy with legislators or their
9 staffs accept between the first and special session
10 when I asked Senator Bettencourt's staff to carry those
11 two sentences and put them into SB 1 for me, everything
12 else was in public testimony.

13 Q. What about answering questions from
14 legislators --

15 A. Yes.

16 Q. -- as we had discussed earlier, were you
17 answering questions from legislators during the period
18 of the -- either the regular or the first or the second
19 special session?

20 A. Yes, I would get questions from legislators
21 asking me to review this document and this language and
22 see if there are any unintended consequences, that's
23 normal.

24 Q. And then you provide your feedback?

25 A. Correct.

1 Q. Okay. And so about how often, how many times
2 per week during the first or second special were you
3 providing that kind of feedback to legislators or
4 staff?

5 A. Well, during the first special session it was
6 no more than twice a week. The second special session
7 it was only once a week at max, that anybody asked.

8 Q. Okay.

9 A. Things were pretty settled by then.

10 Q. Okay. And then with respect to who was
11 asking, can you give me the names of the people who
12 were seeking your input on the Bill language or for the
13 -- you know, for your reaction to this?

14 A. I would get emails from State Rep Jacey
15 Jetton, State Rep Valoree Swanson, Senator Bettencourt
16 and his staff, and I think 90 percent of the emails I
17 got requesting my point of view were those three people
18 or their staffs.

19 Q. Did you ever have a request for your feedback
20 from Briscoe Cain or his staff?

21 A. In the regular session I did get a -- a
22 request from that on HB 6.

23 Q. Okay. And with respect to Mike Schofield,
24 did you ever get a request from him for feedback or
25 reaction either him or his staff?

1 A. Did not.

2 Q. Okay. How about Representative Clardy, did
3 you have any communications with either him or his
4 staff related to bill language?

5 A. No.

6 Q. Okay. Jacey Jetton, would it be fair to say
7 it was not somebody that you had met with at the early
8 part of the session?

9 A. That's correct. He's a representative from
10 Fort Bend County, so he would not have attended the
11 Harris County's events where we discussed the election
12 legislation --

13 Q. I'm sorry, I stepped on your answer. And so
14 tell me how you begin to start communicating with
15 Representative Jetton about SB 1?

16 A. Very simple. I got an email from his staff
17 asking me to comment on these sections of the Bill, and
18 I gave them my comments.

19 Q. Would it be fair to say that during the time
20 that you were providing your comments on bill language
21 in the regular session, the first and second special
22 session, that what you were being asked to comment on
23 was broader than poll watchers or harvesting?

24 A. Yes, it would be a correct statement, because
25 the email usually simply asked, please take a look at

1 these sections and tell us if there are any unintended
2 consequences from that language.

3 Q. And then you would provide your concerns or
4 your thoughts about how the Bill language would play
5 out in real life?

6 A. I would provide my feedback on that --
7 those -- those exact words, the current language might
8 be misinterpreted, misconstrued, or abused for a -- a
9 result I didn't want.

10 Q. Or also might fail to address a problem that
11 you perceived?

12 A. Correct, yes.

13 Q. Okay. And would it be fair to say then those
14 types of legislator requests covered most provisions in
15 SB 1?

16 A. I can't answer that because I won't remember.
17 I know that most of the request I get for that feedback
18 specify sections of the language they want me to look
19 at. I don't know if it covered all -- SB 1 is a pretty
20 long bill.

21 Q. Maybe I'll -- I'll be slightly more specific,
22 were you asked to respond to language related to poll
23 watchers, for example?

24 A. Yes.

25 Q. Okay. Were you asked to respond to language

1 related to vote harvesting?

2 A. Yes.

3 Q. Were you asked to respond to language related
4 to voter assistance?

5 A. No, I was not.

6 Q. Okay. Were you asked to respond to language
7 related to 24 hour voting?

8 A. No, I was not.

9 Q. Were you asked to responds to language
10 related to temporary polling places or moveable polling
11 places, given that you had raised some concerns about
12 that in your testimony?

13 A. I was not because they thought they already
14 had the solution.

15 Q. Okay. So they weren't asking for your help
16 on that one?

17 A. Correct.

18 Q. Were you asked to provide your thoughts on
19 the Bill language related to voters providing ID
20 numbers on either ABBMs or mail ballots?

21 A. I was and I was -- my -- I was and I was
22 ignored.

23 Q. Okay. Is there anything else that you can
24 think of in your mind that were parts of SB 1 that you
25 were asked to provide your feedback on that I haven't

1 touched in just the moment or two?

2 A. I can't remember, we covered so much. If I
3 think of it I'll -- I'll mention it, but right now I
4 can't think of thinking else.

5 Q. Now with protect to feedback you provided on
6 poll watchers, tell me the feedback that you provided
7 on poll watchers.

8 MR. WASSDORF: I'm going to object on
9 the grounds of legislative privilege and ask the
10 witness not to testify.

11 MS. PERALES: Okay.

12 Q. (BY MS. PERALES) And Mr. Vera, are you going
13 to follow the instruction of Mr. Wassdorf not to
14 testify on the feedback that you provided legislators
15 related to poll watchers?

16 THE WITNESS: I am.

17 Q. (BY MS. PERALES:) Okay. Now what feedback
18 did you provide to legislators with respect to vote
19 harvesting?

20 MR. WASSDORF: Same objection.

21 Q. (BY MS. PERALES) Are you going to follow the
22 advice of Mr. Wassdorf and decline to testify on the
23 feedback that you provided to legislators or staff
24 about vote harvesting?

25 A. I am.

1 Q. Next I'll ask you what feedback you provided
2 to legislators or staff related to the requirement that
3 voters provide an ID number on either their ABBM or
4 their mail ballot?

5 MR. WASSDORF: Same objection.

6 Q. (BY MS. PERALES) Are you going to follow the
7 instruction of Mr. Wassdorf and decline to testify on
8 the feedback you provided to the legislators about the
9 voter ID on mail voting?

10 A. I am.

11 Q. (BY MS. PERALES:) Okay. What feedback did
12 you provide to legislators or staff related to what we
13 call drive-thru voting?

14 MR. WASSDORF: Same objection.

15 Q. (BY MS. PERALES) Are you going to follow the
16 instruction of Mr. Wassdorf and not -- and decline to
17 testify regarding the feedback that you provided
18 legislators about drive-thru voting?

19 A. I am.

20 Q. (BY MS. PERALES:) Were you asked to provide
21 feedback on any of the voter registration provisions of
22 SB 1, including for example the requirement that the
23 registrar report an ineligible registrant or voter to
24 law enforcement?

25 A. I was not.

1 Q. Were you asked to provide any feedback by
2 legislators on the provisions of SB 1 requiring the
3 secretary of state to refer any information about
4 criminal conduct to the attorney general?

5 A. I was not.

6 Q. Were you asked to provide any feedback by
7 legislators about the provision of SB 1 that requires
8 the secretary of state to receive lists of voters
9 excused from jury duty for nonresidence?

10 A. I was not.

11 Q. Were you asked to provide any feedback by
12 legislators on the provisions of SB 1 having to do with
13 24 hour voting?

14 A. I was not.

15 Q. Were you asked to provide any feedback by
16 legislators or staff on the provision of SB 1 having to
17 do with mail ballot drop boxes?

18 A. I was not.

19 Q. Were you asked to provide any feedback by
20 legislators or staff on bill language addressing
21 individuals who bring people to the polls for curbside
22 voting?

23 A. I was not.

24 Q. So if we take the time period leading up to
25 passage of SB 1 at the end of the second special, based

1 on all of your experiences in those sessions, what is
2 your understanding of the source of the language in SB
3 1 about voter assistance in the polling place?

4 A. Yeah, I don't know. I have no idea where it
5 came from, it was not one of my areas of focus.

6 Q. Okay. Same question with respect to the
7 provisions on 24 -- and I'm just going name certain
8 practices that occurred in Harris County. 24 hour
9 voting, mail ballot drop boxes, and drive-thru voting,
10 do you know the source of where those ideas came from
11 in the Bill?

12 A. No, I don't.

13 Q. Okay.

14 A. The language in the Bill on the drive-thru
15 voting, because the language addressed the kind of
16 facility, was almost taken from the Federal Court in
17 downtown Houston.

18 Q. Okay.

19 A. There was a -- there was a civil action and a
20 judge -- the Federal Judge ruled that the language in
21 the early voting portions of the code was different
22 from the language in the election day portions of the
23 code, and what I observed is that SB 1 simply took the
24 languages from election day and applied them to early
25 voting. So I wasn't part of that process, but

1 that's -- that's what I observed.

2 Q. Okay. Thank you. Based on your experience
3 through passage of SB 1, do you know where the -- what
4 the source or the idea or the language was related to
5 voters providing an ID number when sending in either an
6 ABBM or a mail ballot?

7 A. I do not know the source of that language.

8 Q. Now you had raised a concern yourself that
9 there was essentially non-voters submitting
10 applications for ballot by mail?

11 A. Uh-huh.

12 Q. In the names of others?

13 A. Uh-huh.

14 Q. Do you have any sense of how the Bill ends up
15 saying somebody who submits an ABBM or mail ballot
16 ought to provide additional information, like an ID
17 number?

18 A. Senate Bill 1 did not affect those sections
19 of the code that dealt with falsifying or forging ABBMs
20 for people that are unaware that their names are being
21 used. That was not changed by SB 1.

22 Q. So do you have any sense of where the new ID
23 requirements came from in -- in terms of who might have
24 proposed it or?

25 A. I don't know. I don't know.

1 Q. Okay. What is your sense of the source of
2 the language on vote harvesting that's in SB 1? Based
3 on your knowledge through the passing of SB 1, do you
4 know where that language came from about vote
5 harvesting, which is advocating in person with a voter
6 in the presence of the ballot in favor of a particular
7 candidate or measure?

8 A. No, I don't know where that came from.

9 Q. How about that portion of SB 1, do you know
10 for example who suggested or what the source of the
11 provision is that it's a state jail felony when a
12 person compensates or offers to compensate another
13 person to assist voters?

14 A. I don't know the source of that.

15 Q. Okay. Earlier I had asked you about whether
16 you communicated with the secretary of state's office?

17 A. Uh-huh.

18 Q. Either Keith Ingram or Christina Adkins
19 during either the first or the special session?

20 A. Uh-huh.

21 Q. Although, I'm not sure if I asked about the
22 first or the special session, so let me just ask you.
23 Do you remember communicating with anybody from the
24 secretary states office Keith Ingram, Christina Adkins
25 about SB 1 or related issues during either the first or

1 second special?

2 A. I clearly remember not communicating with
3 anyone in the SOS office about SB 1 during the regular
4 session or the two special sessions.

5 Q. Okay. What about for example your poll
6 watcher trainings, do you recall sharing your poll
7 watcher training PowerPoint with Keith Ingram --

8 A. Yes, that was different.

9 Q. -- and/or Christina Adkins?

10 A. In a -- in a Senate State Affairs Committee
11 hearing they were both present, I was there to testify,
12 and at that point SB 1 was passing, was going to pass,
13 and required a secretary of state to provide poll
14 watcher training as part of new requirements of Senate
15 Bill 1. I said to Keith, by the way I've got a
16 presentation I've been use for years that updates,
17 would you like to see it? So this was back in you
18 know, 2021, and they said I'd love to see it, so I'll
19 just email it to you. Christina said, yeah, copy me
20 too. So I sent them my PowerPoint, the old PowerPoint,
21 pre-SB 1, and sent it by email to both of them.

22 Q. Okay. And so would you agree with me that
23 that was related to SB 1 with respect to the provision
24 that would require the secretary state to state to
25 start training poll watchers?

1 A. I would agree that it's relevant to that, but
2 it was not an advocacy for that. I wasn't advocating,
3 it was -- it was a done deal, SOS was going to have to
4 train poll watchers and I offered them some -- a head
5 start in the training materials.

6 Q. Okay. Were there any other communications
7 that you had with either the secretary of state, the
8 AG, or the governor's office during this period of time
9 that you might not classify as advocacy, but was
10 communication related or touching on SB one's
11 provisions?

12 A. Let me think. No, that was long after that
13 I -- I can't remember any. I cannot remember any other
14 communications.

15 Q. Okay. So would it then be fair to say that
16 you sent a copy of your poll worker training
17 PowerPoint?

18 A. Poll watcher.

19 Q. I'm sorry, thank you for that. Your -- let
20 me ask the question again, would it be fair to say that
21 you sent a copy of your poll watcher training
22 PowerPoint to Mr. Ingram and Ms. Adkins of the
23 secretary of state's office in early September, 2021?

24 A. I think that's probably correct.

25 Q. Okay. Would you mark this as the next

1 exhibit please?

2 The court reporter has handed you what
3 has been marked deposition Exhibit No. 3. Do you
4 recognize this as at least partly an email from you on
5 September 2, 2021, to Keith Ingram and Christina Atkins
6 attaching your poll watcher PowerPoint?

7 (Exhibit No. 3 marked.)

8 A. Yeah, I specifically attached the 2020 poll
9 watcher version, that's correct.

10 Q. (BY MS. PERALES:) The court reporter has
11 handed you what has been marked Deposition Exhibit No.
12 4. Can you identify this document?

13 (Exhibit No. 4 marked.)

14 A. It appears to be a photocopy of my 2020 poll
15 watcher training class.

16 Q. (BY MS. PERALES) Is Exhibit No. 4 what would
17 have been the attachment to Exhibit No. 3, the email?

18 A. That's correct.

19 Q. How do I know this is your 2020 training,
20 where can I tell on here?

21 A. I don't know if you can tell from the
22 document or not, hang on.

23 You can tell because there's nothing
24 in here about having to take the secretary of state's
25 poll watcher training which was changed in 2021, so on

1 a slide that says before election day, if you look up
2 I'll show you. That slide, the new one would say have
3 to take the secretary of state poll watcher training
4 also.

5 Q. So you recall making that change to your
6 training after SB 1 passed?

7 A. Yes.

8 Q. Okay. Okay. If Mr. Ingram or Ms. Adkins
9 asked you for your 2022 poll watcher training as follow
10 up, would you send it to them?

11 A. Not without checking with Charis Eagle.

12 Q. Did you check with Charis Eagle about 2021 --

13 A. I let her know that I was sending this, yes.

14 Q. Okay.

15 MS. PERALES: So counsel, based on the
16 fact that Mr. Vera shared this document outside the
17 bounds of the Harris County Republican Party, we would
18 respectfully request that counsel produce the 2022 poll
19 worker training prepared by Mr. Vera?

20 A. Poll watcher.

21 MS. PERALES: Poll watcher training.
22 Poll watcher training prepared by Mr. Vera.

23 MR. GORE: Okay. We have asserted our
24 First Amendment Privilege with respect to that
25 document. It's contained on the log as well, I

1 separate document and that document remains subject to
2 the First Amendment privilege that has been asserted
3 over that document.

4 MS. PERALES: Okay.

5 Q. (BY MS. PERALES) Mr. Vera earlier in your
6 deposition you testified that you weren't sure if your
7 email, Microsoft outlook, kept your emails from more
8 than a year ago?

9 A. Uh-huh.

10 Q. And you've testified earlier in the
11 deposition that you did have back and forth exchanges
12 with either legislators or legislative staff by email,
13 in which you were providing feedback on provisions of
14 SB 1; is that right?

15 A. Yes.

16 Q. As part of the process of being involved in
17 this case, did you search for those emails in which you
18 were providing feedback to legislators or initiating
19 conversations with them relevant to provisions of SB 1?

20 A. I did not search for any documents in my own
21 files.

22 Q. Okay.

23 A. Are you -- I was given by the attorneys a
24 whole set of documents that were produced, one of which
25 included a feedback to State Rep Jetton's question to

1 me about SB 1 and the language about harvesting.

2 Q. Okay. Did you turn over your computer to
3 anybody to have them search your emails as part of your
4 involvement in this case?

5 A. I did not.

6 Q. Okay. If your Microsoft Outlook did in fact
7 save emails that are older than a year old or two years
8 old, would your emails going back and forth with the
9 legislator be there and -- and your providing feedback
10 and having your communications?

11 A. I don't know, there -- they should be.

12 Q. Okay. Mr. Vera, the court reporter has
13 handed you what has been marked Deposition Exhibit No.
14 5.

15 Is this the email that you were
16 referencing a moment ago in which you had an exchange
17 with Representative Jetton regarding in person activity
18 with a voter and vote harvesting?

19 (Exhibit No. 5 marked.)

20 A. Yes, it does. This looks like the document
21 that I mentioned in that previous testimony.

22 Q. (BY MS. PERALES:) And what is the date of
23 your email to Representative Jetton?

24 A. August 20th, 2021.

25 Q. So this is some time before the passage of SB

1 1?

2 A. Some time during -- it looks like the second
3 special session.

4 Q. Okay. Do you know who Tori McFarland is?

5 A. I think at that time Tori McFarland was on
6 the staff of Jacey Jetton.

7 Q. And Coleen, I believe you mentioned earlier
8 in the deposition is your wife?

9 A. Correct, uh-huh.

10 Q. Okay. And so in this -- in this email
11 subpoena is it -- is it fair to say that you're
12 alerting Representative Jetton to something that you've
13 characterized as an unintended consequence in the
14 version of SB 1 that was going to be heard in committee
15 the following day; is that right?

16 A. Yes, ma'am?

17 Q. And then Representative Jetton responds
18 "thank you for sharing and good catch, we will work
19 with chairman Murrell on an amendment", closed quote?

20 A. Uh-huh.

21 Q. Okay. Now, I know earlier you had suggested
22 that maybe this exchange was -- as part of
23 representative Jetton asking for your feedback; is that
24 right?

25 A. Yes.

1 Q. Okay. Do you -- where is the email below
2 that, where he asks for your feedback?

3 A. Well, there's no -- I don't think's an email
4 below that, I think it was a phone call from Ms. Tori
5 asking me -- saying State Rep Jetton would like you to
6 comment on that aspect SB 1.

7 Q. And the aspect being that vote harvesting was
8 defined as an in person interaction?

9 A. Yes.

10 Q. And then you provided your feedback in this
11 email; is that right?

12 A. That's correct.

13 Q. And then Representative Jetton responds to
14 you?

15 A. Uh-huh.

16 Q. And then, it sort of cut off at the top, but
17 it looks like you may have taken that exchange and then
18 forwarded it to Chair Siegel and some others?

19 A. It looks like that.

20 Q. Okay.

21 A. Just keeping her posted.

22 Q. Okay. All right.

23 A. Yeah, looks like those are all HCRP employees
24 or officers.

25 Q. I wanted to ask, did anybody besides you with

1 Harris County Republican Party talk to legislators or
2 legislative staff about issues or provisions that ended
3 up in SB 1?

4 A. It's certainly possible. I don't know -- I
5 can't name people who did nor can I say they didn't.
6 The Ballot Security Committee -- let me back up.

7 During the Harris County Republican
8 Party Executive Committee Meeting at the beginning of
9 each legislative session, the Executive Committee
10 passes a resolution that gives guidance to Ballot
11 Security Committee on which changes in general to the
12 election code to support and which changes to oppose as
13 we interact with the state legislators.

14 So we all receive those same marching
15 orders, and so I'm up there a lot, but others can be up
16 there as well as long as they stay in line with the
17 Executive Committee directed at us, we're all right.

18 Q. Okay. And do you know if -- so you say --
19 let me ask you this. Did -- did Chair Siegel have
20 interactions with members of the legislature or staff
21 on some of these issues or provisions that end up in SB
22 1?

23 A. I am not aware. I know that Chair Siegel and
24 Senator Bettencourt communicate regularly, okay? But I
25 cannot tell you whether or not they discussed Senate

1 Bill 1.

2 The court reporter is not catching
3 that. Ask them to speak louder, and more slowly.

4 (Discussions in hallway, laughter.)

5 Q. (BY MS. PERALES:) The court reporter has
6 handed you what has been marked Deposition Exhibit No.
7 6. Do you recognize this as an email from May 19th,
8 2021, from you?

9 (Exhibit No. 6 marked.)

10 A. Uh-huh.

11 Q. (BY MS. PERALES) To --

12 A. Senate or Bryan Hughes.

13 Q. Senator Hughes and it looks like some more
14 senators --

15 A. Don Buckingham, Paul Bettencourt, Louis Culp,
16 these are members of the Senate Committee on State
17 Affairs that hears election bills.

18 Q. And then you CC some staffers, would that be
19 right, as well as some folks with the Harris County
20 Republican Party?

21 A. That's correct.

22 Q. Okay. And I see Sonya Aston is there?

23 A. Yes.

24 Q. And she was staffing with?

25 A. Senator Bettencourt.

1 Q. And then can you sort of generally help me
2 understand what is it that you are sending to these
3 legislators and staff?

4 A. On this date, May 19th, we're coming to the
5 end of the regular session Senator Bettencourt's bill,
6 Senate Bill 1589, had passed the Senate earlier, but
7 had not been heard in the Committee in the House at
8 all, so this note asked him to consider adding that
9 portion of SB 1589 to the Article 4 Provision of Senate
10 Bill 7, which was still in process.

11 Q. Okay. And were these Election Marshals under
12 the Bill themselves law enforcement officers?

13 A. Yes.

14 Q. And did 1589 position them inside the polling
15 place?

16 A. No.

17 Q. And where would it have positioned them?

18 A. It simply made them available to be called,
19 to respond to reports of criminal election activity.

20 Q. How would that be different than just calling
21 the regular police?

22 A. These people will actually respond.

23 Q. That's what happens when you ask an open
24 ended question in a deposition.

25 A. Uh-huh.

1 Q. Okay. Thank you one more question about
2 Exhibit No. 6, sorry?

3 (Exhibit No. 6 marked.)

4 A. Uh-huh.

5 Q. (BY MS. PERALES) You say here, quote, "please
6 see the attached record of our invited testimony to the
7 senate committee on state affairs" closed quote, do you
8 see that line there?

9 A. Yes.

10 Q. And would that be an example of a time when
11 you did provide something in writing to the Senate?

12 A. No, I was just attaching my notes. The notes
13 I spoke from when I testified in support of SB 1, 1589.

14 Q. Do you remember if those note are typed or
15 handwritten?

16 A. They're typed, I can't read my handwritten
17 notes.

18 (Laughter.)

19 Q. (BY MS. PERALES) I have three emails and I'm
20 going to mark each of them. Okay. Can you identify I
21 believe it's No. 7 for me?

22 (Exhibit No. 7 marked.)

23 A. Exhibit No. 7 looks like an automated reply
24 from the office of Senator Bob Hall to the Chair of
25 Harris County Republican Party.

1 Q. (BY MS. PERALES) Okay. Identify No. 8 for
2 me.

3 (Exhibit No. 8 marked.)

4 A. Exhibit No. 8 appears to be automated reply
5 From office of Senator Donna Campbell to the Chair of
6 the Harris County Republican Party.

7 Q. And can you identify 9 for me?

8 (Exhibit No. 9 marked.)

9 A. Exhibit No. 9 appears to be automated reply
10 office of Senator Bettencourt to the Chair of the
11 Harris County Republican Party.

12 Q. (BY MS. PERALES) And is the date on all three
13 exhibits August 10th of 2021?

14 A. It is.

15 Q. And they're all at about 4:30 in the morning,
16 yes?

17 A. Yeah, between 4:30 and 4:45, yup.

18 Q. Okay. Do you know what email these exhibits
19 were responding to?

20 A. I have no idea.

21 Q. Okay. Does the date August 10th, 2021 in
22 anyway refresh your recollection about whether this
23 might have been related to communications on SB 1?

24 A. It does not. I -- that was in the end of
25 second special session, but no, I can't tell.

1 Q. Okay. Thank you. Did you have any
2 communications with Senator Hall that related in any
3 way to SB 1?

4 A. Oh, goodness. I don't remember.

5 Q. Okay. Same question with Senator Donna
6 Campbell, did you have any communications with Donna
7 Campbell about SB 1?

8 A. I don't remember. The only reason I -- I
9 hedged on Senator Hall he was very good when I did
10 public testimony before the senate committee on state
11 affairs of have asking me many follow up questions. So
12 I don't know if I may have sent him an email or not.

13 Q. SB 1 was heard in Senate State Affairs on
14 August 9th, 2021?

15 A. Okay.

16 Q. And since these auto replies are coming from
17 the wee hours of August 10th?

18 A. Uh-huh.

19 Q. Is -- is it possible that you remember
20 sending some kind of follow up communication to various
21 senators following your testimony?

22 A. I don't remember doing that. And if I'd had
23 it would have come from my email address, not the party
24 chairs.

25 Q. Okay. Okay. Is there any part of SB 1 as it

1 was passed by the legislature that you believe
2 responded to your concern about the vote harvesting
3 being defined as an in person interaction?

4 A. I don't remember for certain because it's a
5 long bill, but I do know that they did not affect the
6 sections of the code already established for dealing
7 with the concerns I had of people stealing others
8 identities to vote by mail, they did -- they left that
9 alone.

10 Q. Is there any part of SB 1 as it was passed
11 that you think tracks very closely with communications
12 that you made with legislators?

13 A. Oh, goodness --

14 Q. Either something that you initiated or
15 something that was the product of the back and forth
16 where you're providing feedback?

17 A. Well, I've already told you that I was --
18 after the previous election I was very concerned about
19 the way poll watchers were obstructed. So some of the
20 poll watcher improvements certainly tracked with my
21 concerns, okay? I told you that I had -- I had after
22 the 2020 November election, I had gone public with many
23 serious concerns about drive-thru voting and so that
24 was reflected. So I think, you know, at least poll
25 watcher -- poll watchers were better protected, the

1 issue of voting as it was with the aberration in
2 drive-thru was addressed. And they did not mess with
3 the clear language of mail ballot harvesting that was
4 not involving personal interaction. So those three
5 things for sure.

6 Q. Do you recall having conversations with
7 legislators around making it a -- an offense to have a
8 paid person assist a voter in voting by mail?

9 A. I didn't have any such discussion with
10 legislators.

11 Q. Do you have an understanding of what need was
12 meant to be addressed by that?

13 A. I have an understanding from what I've been
14 told, having -- sitting around the committee hearing
15 rooms talking to others, but I did not initiate that.

16 Q. Okay. And you don't have a first hand
17 acknowledgment of the reasons for that?

18 A. I do not, nope.

19 Q. Do you have any first hand knowledge about
20 the reasons for prohibiting in person interaction with
21 a voter in the presence of the mail ballot with --
22 while advocating for a particular candidate or outcome?

23 A. No, I was not, I was not privy to those
24 discussions or this original complaints.

25 Q. And -- and no staff or legislator said, oh

1 that's there because so and so really felt?

2 A. No, no.

3 Q. Okay. Okay. With respect to any or the
4 other provisions of SB 1, do you have any knowledge
5 about what the source or the origin was, whether it was
6 a particular colleague in the Republican Party maybe
7 from another County or a particular legislator who was
8 the reason that that provision is there in the Bill?

9 A. No, I don't. Not directly, I -- I do know
10 that -- I'm sorry, I don't know, I understand that
11 prior to that session beginning there were a number of
12 election attorneys that were writing legislative
13 language and submitting it.

14 Q. Uh-huh.

15 A. But I can't track any one item to any one
16 attorney.

17 Q. Can you tell me the names of those attorneys?

18 A. I can't tell you the names of all -- I know
19 Eric Opiela was one of them, and he's the only one I
20 can remember.

21 Q. Okay.

22 A. Because he's kind of up front about it.

23 (Laughter).

24 Q. (BY MS. PERALES) Did you have -- you know, we
25 talked about Senator Bettencourt, he's your local

1 senator. We haven't talked that much about Brian
2 Hughes who was this author/main sponsor.

3 Did you ever have any exchange of
4 communication with either Brian Hughes or his staff
5 from let's say the beginning of the regular session
6 through the end of the second special?

7 A. No, I did not. But let me just double check.
8 No, the only communication was in committee with --
9 either it was with the Senator or his staff.

10 Q. Do you have any interaction with republican
11 candidates running for office and advising them about
12 what's in SB 1?

13 A. No, I don't get involved with candidates much
14 at all. I answer questions, but I don't interact with
15 them, I don't take part in their campaigns.

16 Q. And do you recall, for example in 2022, since
17 SB 1 is a fairly new piece of legislation, do you
18 recall answering any questioning of any candidate or
19 their campaign staffers about the meaning of SB 1?

20 A. The only questions I remember answering from
21 candidates at that time was about whether the candidate
22 could still appoint a poll watcher, and secondly are
23 there any new requirements of poll watchers in which I
24 have to -- had to reply about the SOS training now
25 being mandatory. Because of course the candidate can

1 appoint poll watchers, but Harris County -- our Party
2 would only appoint poll watchers that I trained, so.

3 Q. So aside from poll watchers can you think of
4 any other --

5 A. I can't think of anything else, hang on. No.

6 However, because of SB 1 I was asked
7 to take a look at the mail ballot application mailers
8 that Harris County Republican Party was going to send
9 out to the republicans over 65 and I had to completely
10 rewrite them.

11 Q. I was just going to ask about outreach by the
12 Party to potential mail voters?

13 A. Uh-huh.

14 Q. So did you work on revising the outreach
15 materials for the Harris County Republican Party --

16 A. I did.

17 Q. To the voters over 65?

18 A. Correct. I had to redo it completely.

19 Q. All right. And so you made those changes to
20 the, what are they like, mailers?

21 A. Yes, they were -- they were mailers into the
22 layout stage, not quite what was called the mechanical
23 stage, but I had to change those.

24 Q. Okay. Around the time of the 2022 primary
25 election?

1 A. Uh-huh.

2 Q. Were you offering any guidance or advice to
3 deal with any requests from voters coming in about how
4 to apply for their mail ballots?

5 A. I was giving -- I was the Party staff, the --
6 the paid staff advice on how to answer questions about
7 the new mail ballot requirements.

8 Q. Do you recall the nature of the questions
9 that you were getting in the 2022 primary period from
10 voters about either applying for ballot by mail or
11 returning that mail ballot related to SB 1 --

12 A. The questions weren't coming to me, they were
13 coming to staff, but they were calling me to get the
14 information; but it was just the general stuff, now
15 which number do I have to put? Can I just put my whole
16 driver's license number, et cetera? Basic fundamental
17 questions.

18 Q. What would your advice -- what was your
19 advice during the primary period about which number the
20 voters should put?

21 A. Well, I had the staff tell the voters, put
22 both numbers, okay? Because the issue was the number
23 the voter put on the ABBM or the carrier envelope had
24 to match a number in the voters registration record.
25 And many of these -- the voters were not old enough to

1 vote by mail, they don't remember which -- which number
2 they used when they first registered, put them both.

3 Q. Were there also voters who hadn't put a
4 number when they registered?

5 A. It's possible. I -- I don't know that -- I
6 don't know that, it could be possible. I don't know
7 that.

8 Q. If a voter had lived at the same address for
9 example since pre-HAVA, Help America Vote Act?

10 A. Uh-huh.

11 Q. It's possible that their registration, which
12 would have occurred pre-200 wasn't accompanied by an ID
13 number at all; isn't that right?

14 A. It's possible.

15 Q. And they would be over 65, and just have
16 stayed put the whole time?

17 A. Uh-huh.

18 Q. Do you recall hearing from paid staff of the
19 Party that there were voters in that situation that
20 they hadn't provide any number -- had not provided any
21 number at all with their original registration because
22 it had been a long time ago?

23 A. I had not heard that specifically.

24 Q. Okay. But you did hear about voters putting
25 one number and Harris County having a different number,

1 and so the -- the Harris County couldn't match it?

2 A. I heard that from the people on our signature
3 verification committee.

4 Q. Did you hear that from any of the Party staff
5 that were getting questions from voters?

6 A. Yes, yes.

7 MS. PERALES: Can we have a five
8 minute break?

9 THE REPORTER: Okay. Going off the
10 record at 2:49 p.m.

11 (Off the record.)

12 THE REPORTER: Back on the record at
13 3:01 p.m.

14 Q. (BY MS. PERALES:) Mr. Vera, are there any
15 topics or is there any information that you know about
16 relevant to SB 1 that you discussed with Mr. Gore that
17 you haven't talked about today in the deposition,
18 either because I didn't ask you or for any other
19 reason?

20 A. I can't think of anything, give me a second.
21 Nope, nope.

22 Q. Okay.

23 MS. PERALES: So I'm going to pass the
24 witness, but I'm not going to conclude the deposition
25 or conclude my questioning of the witness. We're going

1 to leave the deposition open at the end in order to
2 allow for us to be able to resolve some of the issues
3 that have come up with respect to invocation of either
4 First Amendment Privilege or Legislative Privilege that
5 are not resolved, so with that caveat I'm going to pass
6 the witness.

7 MR. GORE: If I can just say on the
8 record, we appreciate where you're coming from. We
9 obviously object to holding the deposition open. We
10 think all the privilege assertions have been
11 appropriate. We understand that you are reserving the
12 right to keep the deposition only -- open only with
13 respect to those privilege issues, is that -- is that
14 correct?

15 MS. PERALES: Yes. That's right, and
16 when you say those privilege issues then we can go back
17 and forth all day. When you say those privilege issues
18 it's specifically the -- the places today where the
19 witness has declined to testify because of either
20 Legislative Privilege or because of First Amendment
21 Privilege.

22 MR. GORE: Thank you for
23 clarification. We stand on our objection, but we
24 appreciate the clarification.

25 MS. PERALES: Okay. Would you like to

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO,)
et al.,)
)
Plaintiffs,) Civil Action
) No. SA-21-CV-00844-XR
vs.)
)
GREGORY W. ABBOTT, et al.,)
)
Defendants.)
)

REPORTER'S CERTIFICATE
DEPOSITION OF ALAN VERA
FEBRUARY 27, 2023

I, Nilda Codina, Notary in and for the State
of Texas, hereby certify to the following:

That the witness, ALAN VERA, was duly sworn
by the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the witness;

I further certify that pursuant to FRCP Rule
30(f)(1) that the signature of the deponent:

_____ was requested by the deponent or a
party before the completion of the deposition and
returned within 30 days from date of receipt of the
transcript. If returned, the attached Changes and
Signature Page contains any changes and the reasons
therefor;

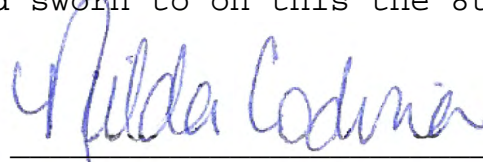
___X___ was not requested by the deponent or a

1 party before the completion of the deposition.

2 I further certify that I am neither attorney
3 nor counsel for, related to, nor employed by any of the
4 parties to the action in which this testimony was
5 taken.

6 Further, I am not a relative or employee of
7 any attorney of record in this cause, nor do I have a
8 financial interest in the action.

9 Subscribed and sworn to on this the 8th day
10 of March, 2023.



11
12 NILDA CODINA
Notary Public in and
For the State of Texas
13 My Commission No. 12878135-3
Expires: 10/24/2023

14
15 INTEGRITY LEGAL SUPPORT
Firm Registration No. 528
9901 Brodie Lane
16 Suite 160-400
Austin, TX 78748
17 Phone: (512) 320-8690

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO,
et al.,

Plaintiffs,

v.

GREGORY W. ABBOTT, *et al.*,

Defendants.

§
§
§
§
§
§
§
§
§
§

Civil Action No. SA-21-CV-00844-XR

NOTICE OF DEPOSITION OF ALAN VERA

TO: Alan Vera, by and through John M. Gore, Jones Day, 51 Louisiana Avenue, N.W., Washington, D.C. 20001 and to All Counsel of Record.

PLEASE TAKE NOTICE that pursuant to Rule 30 of the Federal Rules of Civil Procedure, counsel for the LUPE, *et al.* Plaintiffs will take the oral deposition of Alan Vera on February 27, 2023, at 8:30 a.m. (CST) at the offices of Javier N. Maldonado & Associates, P.C., 1415 North Loop W., Suite 600, Houston, TX 77008 (Andromeda Conference Room on the Mezzanine Level). The deposition shall be recorded by stenographic means and may also be recorded by additional audiovisual means, and shall take place before a notary public or other person authorized by law to administer oaths. Plaintiffs reserve the right to utilize any videotaped deposition at trial in lieu of live testimony, or in addition to live testimony, and/or for any purpose permitted under the Federal Rules of Civil Procedure and Federal Rules of Evidence.

The LUPE Plaintiffs further request that Mr. Vera produce, at least two days in advance of the deposition, all documents, if any, that the he reviewed in preparation for the deposition.

Dated: February 22, 2023

Respectfully submitted,

/s/ Nina Perales



Nina Perales
Julia R. Longoria
Fátima L. Menéndez
MEXICAN AMERICAN LEGAL DEFENSE
AND EDUCATIONAL FUND
110 Broadway, Suite 300
San Antonio, TX 78205
Telephone: (210) 224-5476
Facsimile: (210) 224-5382
nperales@maldef.org
jlongoria@maldef.org
fmenendez@maldef.org

Michael C. Keats*
Rebecca L. Martin*
Jason S. Kanterman*
Kevin Zhen*
FRIED, FRANK, HARRIS, SHRIVER &
JACOBSON LLP
One New York Plaza
New York, New York 10004
Telephone: (212) 859-8000
Facsimile: (212) 859-4000
michael.keats@friedfrank.com
rebecca.martin@friedfrank.com
jason.kanterman@friedfrank.com
kevin.zhen@friedfrank.com

*Counsel for Plaintiffs La Unión del Pueblo Entero,
Southwest Voter Registration Education Project,
Mexican American Bar Association of Texas, Texas
Hispanics Organized for Political Education, Jolt
Action, William C. Velasquez Institute, Fiel
Houston, Inc.*

Sean Morales-Doyle Eliza
Sweren-Becker*
Patrick A. Berry*
Andrew B. Garber*
Jasleen K. Singh*
BRENNAN CENTER FOR JUSTICE AT NYU
SCHOOL OF LAW
120 Broadway, Suite 1750
New York, NY 10271
Telephone: (646) 292-8310

Facsimile: (212) 463-7308
sean.morales-doyle@nyu.edu
eliza.sweren-becker@nyu.edu
patrick.berry@nyu.edu
andrew.garber@nyu.edu

Paul R. Genender
Texas State Bar No. 00790758
Elizabeth Y. Ryan
Texas State Bar No. 24067758
Matthew Berde*
Texas State Bar No. 24094379
Megan Cloud
Texas State Bar No. 24116207
WEIL, GOTSHAL & MANGES LLP
200 Crescent Court, Suite 300
Dallas, Texas 75201
Telephone: (214) 746-8158
Facsimile: (214) 746-7777
Liz.Ryan@weil.com
Paul.Genender@weil.com
Matt.Berde@weil.com
Megan.Cloud@weil.com

Alexander P. Cohen*
Texas State Bar No. 24109739
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, New York 10153

*Counsel for Plaintiffs Friendship-West Baptist
Church, Anti-Defamation League Austin,
Southwest, and Texoma Regions, Texas Impact,
and James Lewin*

POLL WATCHER'S GUIDE



Issued by the

SECRETARY OF STATE ELECTIONS DIVISION

P.O. Box 12060
Austin, Texas 78711-2060
www.sos.texas.gov
(512) 463-5650
1-800-252-VOTE (8683)
Dial 7-1-1 for Relay Services

Updated: January 2022



INTRODUCTION

This “Poll Watcher’s Guide” has been designed to familiarize poll watchers with their basic rights and responsibilities. The integrity of elections is a concern of all citizens, and although poll watchers may represent particular candidates, political parties, or specific-purpose political action committees, their main interest is in the conduct of a fair and honest election.

A poll watcher’s role in an election is established by Chapter 33 of the Texas Election Code and is defined as follows:

Poll Watcher – a person appointed to observe the conduct of an election on behalf of:

- a candidate,
- a political party, or
- the proponents or opponents of a measure (specific-purpose political action committees).

NEW LAW: SB 1 (2021, 2nd C.S.): Provides that it is the intent of the legislature that watchers duly accepted for service under Chapter 33 be allowed to observe and report on irregularities in the conduct of any election, but may not interfere in the orderly conduct of an election. A watcher appointed under Chapter 33 shall observe without obstructing the conduct of an election and call to the attention of an election officer any observed or suspected irregularity or violation of law in the conduct of the election. [Sec. 33.0015].

Throughout this guide, all references are made to appropriate sections in the Texas Election Code, unless otherwise noted.

QUICK POINTS TO REMEMBER

- In order to serve as a poll watcher, you must show up with a certificate of appointment that includes:
 - Name, residence address, and voter registration number of the poll watcher;
 - The signature of the person(s) making the appointment;
 - The election and the number of the precinct where the poll watcher is to serve;
 - An indication of the capacity in which the appointing authority is acting;
 - In an election on a measure, an identification of the measure (if more than one is to be voted on) and a statement of which side the appointee represents;
 - An affidavit to be executed by the poll watcher stating that the poll watcher will not have possession of any mechanical or electronic means of recording images or sound while serving as a watcher unless the poll watcher disables or deactivates the device; and
 - The signature of the poll watcher.
- You must complete the poll watcher training administered by the SOS and present the certificate of completion to the presiding judge. (**NEW LAW:** SB 1 (2021, 2nd C.S.)).
- Be ready to counter-sign the certificate of appointment in front of the election judge. This serves not only to certify that the person presenting themselves as a poll watcher is

Q. Can a watcher work for, or be related to, any of the election officials?

A. No. The watcher cannot be an employer or employee of, or related within the second degree by consanguinity or affinity to, an election judge, election clerk, early voting clerk, or deputy clerk serving at the same location. [Sec. 33.033].

Q. Can a candidate's spouse or child serve as a watcher?

A. Yes.

APPOINTMENT OF WATCHER

APPOINTMENT OF WATCHER BY POLITICAL PARTIES:

Q. Who appoints a watcher on behalf of political parties?

- A. 1. The county chair of each political party that has a nominee(s) on the official ballot may appoint watchers. [Sec. 33.003(a)].
2. Any three members of the county executive committee may appoint watchers, if the county chair fails to act. [Sec. 33.003(b)].

APPOINTMENT OF WATCHER BY A CANDIDATE:

Q. Who appoints a watcher on behalf of candidates?

- A. 1. A candidate whose name appears on the official ballot or on the list of declared write-in candidates in an election for any office (other than the office of Vice President of the United States) may appoint a watcher. In other words, watchers may be appointed by any candidate whose name appears on the ballot other than the candidate for Vice President. For a state office that is filled by voters of more than one county, the candidate's campaign treasurer also may appoint a watcher. [Sec. 33.002(a) & (b)].
2. For a federal office that is filled by voters of more than one county, the chair or treasurer of the candidate's principal campaign committee or a designated agent of the campaign chair or treasurer may appoint a watcher. [Sec. 33.002(c)].
3. A group of registered voters may appoint watchers on behalf of a write-in candidate in an election in which declarations of write-in candidacy are not required to be filed. The minimum number of voters required to make an appointment under this section is the lesser of 15 or five percent of the registered voters of the appropriate territory as determined from the list of registered voters to be used for the election. [Sec. 33.004].
- To be eligible to sign an appointment of a watcher to a precinct polling place, a person must be a registered voter of the precinct.

NOTE: To be eligible to sign an appointment of a watcher to a countywide polling place, a person must be a registered voter of the entity ordering the election.
 - To be eligible to appoint a watcher to an early voting polling place, early ballot board meeting, or a central counting station, a person must be a registered voter of the county, city, school district, or other political subdivision conducting the election. [Sec. 33.004].

10. Delivery of election results from polling place. [Sec. 33.060].
11. All election activities relating to closing the polling place, including the sealing and transfer of a memory card, flash drive, hard drive, data storage device, or other medium now existing or later developed for use with voting system equipment. (NEW LAW: SB 1 (2021, 2nd C.S.)). [Sec. 33.0605(a)].
12. Follow the transfer of election materials from the polling place to the regional tabulating center, central counting station, or other location designated to process election materials. (NEW LAW: SB 1 (2021, 2nd C.S.)). [Sec. 33.0605(b)].

TRAINING PROGRAM

NEW LAW: SB 1 (2021, 2nd C.S.): To be eligible to serve as a watcher, a person must complete the training program developed by the Secretary of State's office. [Secs. 33.008, 33.031(b)]. The training program can be found on VoteTexas.Gov

CERTIFICATE OF COMPLETION

NEW LAW: SB 1 (2021, 2nd C.S.): The watcher must deliver a certificate of completion from training to the presiding judge at the time the watcher reports for service. [Sec. 33.051].

A person appointed to serve as a watcher must complete watcher training prior to every election for which the person is appointed to serve as a watcher. A person is not required to complete training for a resulting runoff election, or a second election to resolve a tie, if the watcher completed training for the initial election.

A separate certificate of completion must be delivered at each place the watcher is appointed to serve. The certificate of completion and the certificate of appointment must be delivered to the presiding judge at the time the watcher presents to serve. The presiding judge shall retain the certificate of completion and certificate of appointment with the election records. If a watcher intends to serve at multiple locations, the watcher should make multiple copies of their certificate of completion to present at each location the watcher is appointed to serve. [Sec. 33.051].

NOTE: A watcher **may** complete additional training; however, a watcher **must** complete the prescribed SOS training and present the certificate of completion to the presiding judge at the time the watcher reports for service.

ACCEPTANCE OF WATCHER

NEW LAW: SB 1 (2021, 2nd C.S.): A watcher appointed to serve at a polling place, meeting of the early voting ballot board, or central counting station must deliver 1) their certificate of appointment; and 2) their certificate of completion from SOS training to the presiding judge at the time the watcher reports for service. Before being accepted for service, a watcher must take an oath administered by the election officer. [Sec. 33.051(a), (h)].

It is a Class A misdemeanor for an election officer to intentionally or knowingly refuse to accept a watcher for service when acceptance of the watcher is required. [Sec. 33.051(g)].

TIME FOR REPORTING TO THE POLLING PLACE:

Q. At what time do watchers need to report to the polling place, and how long do they need to stay at that polling place?

- A. 1. At the polling place on **Election Day**, a poll watcher:
- may begin service at any time after the presiding judge arrives and may stay at the polling place until election officials complete their duties; and

CERTIFICATE OF APPOINTMENT

ISSUANCE OF CERTIFICATE:

The appointing authority must issue a certificate of appointment to the watcher. [Sec. 33.006(a)].

Q. What information needs to be on the certificate?

A. The certificate of appointment must be in writing and must include the following:

1. Name, residence address, voter registration number, and signature of the watcher;
2. The election and the number of the precinct (or other location, for example, early voting ballot board meeting) at which the watcher is appointed to serve;
3. The signature of the person(s) making the appointment;
4. An indication of the capacity in which the appointing authority is acting (example: as a candidate, a campaign treasurer or assistant campaign treasurer of a specific-purpose political action committee);
5. In an election on a measure, an identification of the measure (if more than one is to be voted on) and a statement identifying which side the appointee represents; and
6. An affidavit executed by the poll watcher stating that the poll watcher will not have possession of any mechanical or electronic means of recording images or sound while serving as a watcher unless the poll watcher disables or deactivates the device. (This affidavit is signed in the presence of the presiding judge; that signature also serves as the countersignature, which is discussed below.) [Sec. 33.006(b)].

NOTE: Officially-prescribed poll watcher appointment forms may be found on our website at <https://www.sos.texas.gov/elections/forms/pol-sub/index.shtml>.

Q. What are the requirements for a certificate of a watcher appointed on behalf of a non-declared write-in candidate?

A. Additional requirements necessary for a certificate of appointment of a watcher for a non-declared write-in candidate include:

1. the residence address and voter registration number of the lesser of 15 voters or 5 percent of the registered voters in the precinct or political subdivision, as applicable;
2. the signed statement of the candidate, or a person who would be authorized to make appointments on the candidate's behalf if the candidate's name appeared on the ballot, that the appointment is made with the signer's consent; and
3. the residence or office address of the write-in candidate or the person who would be authorized to make appointments on the candidate's behalf if the candidate's name appeared on the ballot. If the candidate does not sign, the signer must indicate his or her relationship to the candidate. [Sec. 33.006(c)].

Q. How does one deliver a certificate of appointment?

- A. 1. A watcher must deliver a certificate of appointment and certificate of completion to the presiding judge at the time the watcher reports for service. [Sec. 33.051(a)].
2. The officer presented with a watcher's certificates must require the watcher to countersign the certificate of appointment in the officer's presence to verify that the watcher is the same person who originally signed the certificate. The watcher's signature is in the portion of the

to the judge, the watcher may not discuss the matter further with the clerk unless the presiding judge invites the discussion. [Sec. 33.058(b)].

Q: May watchers wear name tags?

A: In fact, they must. A poll watcher **MUST** wear a form of identification prescribed by the Secretary of State and provided by the presiding judge or other election officer (such as the deputy early voting clerk). [Sec. 33.051(f)].

Q. What are watchers NOT allowed to do while on duty?

- A. 1. Talk with an election worker regarding the election except to call attention to an irregularity or violation of law. [Sec. 33.058(a)(1)].
2. Converse with a voter. [Sec. 33.058(a)(2)].
3. Communicate in any manner with a voter regarding the election. [Sec. 33.058(a)(3)].
4. Use certain devices in the polling place. A watcher may not have possession of a device capable of recording images or sound. If the watcher does have such a device, the watcher must disable or deactivate the device while serving as a watcher. [Sec. 33.006(b)(6)].
5. Leave during voting hours **on election day** without the presiding judge's permission unless the watcher has completed 5 consecutive hours of service at the polling place. If the watcher leaves without permission prior to completing the 5 hours of service, the presiding judge may refuse to readmit the watcher. [Sec. 33.052].

NOTE: The watcher must be allowed to leave to use a wireless communication device and be readmitted to the polling place, if the watcher returns promptly. This does not constitute an interruption in the watcher's 5 hours of consecutive service. [Sec. 33.052(b)].

6. Observe a voter voting independently or a voter being assisted by a person of the voter's choice. A watcher may not be present at the voting station when a voter is preparing the voter's ballot or being assisted by a person of his choice. [Sec. 33.057(b)].
7. **Cause a disruption or breach of the peace or harass voters.** A watcher **may not violate** the Election Code either in the polling area or within 100 feet of the entrance to the building where the polling place is located; otherwise, the watcher may be subject to removal. [Sec. 32.075].
8. Reveal the following information before the polls close:
- How a voter has voted; this offense is a third-degree felony. [Sec. 61.006(b)].
 - The number of votes that have been received for a candidate or for or against a measure; this offense is a Class A misdemeanor. [Sec. 61.007(a)(1)].
 - A candidate's position relative to other candidates in the tabulation of the votes; this offense is a Class A misdemeanor. [Sec. 61.007(a)(2)].
 - Whether a measure is passing or failing; this offense is a Class A misdemeanor. [Sec. 61.007(a)(3)].
 - The names of persons who have or have not voted in the election; this offense is a Class A misdemeanor. [Sec. 61.007(a)(4)].

Q. What is a watcher permitted to do while on duty?

A. A watcher must be permitted, but is not required, to:

- A. Yes. Once a watcher has served more than 5 continuous hours at the polling place, the watcher gains the privilege to leave the polling place and return at the hours he or she chooses, except that if the watcher is present when ballots are being counted, the watcher may not leave until the counting is complete. Additionally, the watcher may briefly leave the polling place to use his or her cell phone or other wireless device, and this does not interrupt the watcher's 5 hours of continuous service, if the watcher returns promptly. [Sec. 33.052].

Q. Can a watcher leave in order to vote at another polling place?

- A. The watcher may leave to vote and return if the watcher has served more than 5 continuous hours at the polling place. If the watcher has not yet served 5 continuous hours, whether he or she will be allowed back into the polling place is at the judge's discretion. [Sec. 33.052(a)]. We recommend voting during the early voting period, before your service as a poll watcher.

Q. Can a watcher leave the polling place after the time for closing the polls without obtaining permission from the presiding judge?

- A. The watcher may leave without permission from the judge; however, if the watcher wishes to return to the polling place, the watcher must have served at least 5 continuous hours at the polling place. If not, once the watcher leaves, he or she may return only at the discretion of the judge. Additionally, if the watcher is present at the polling place when ballots are being counted, the watcher may not leave until the counting is complete. [Sec. 33.052(a)].

MISCELLANEOUS

REMOVAL OF A POLL WATCHER

NEW LAW: SB 1 (2021, 2nd C.S.) amended Section 32.075 to provide that a presiding judge may not have a watcher removed from the polling place for violating a provision of the Election Code or any other provision of law relating to the conduct of elections unless the violation was observed by an election judge or clerk. However, a presiding judge may remove a poll watcher for a violation of the Penal Code, regardless of whether the election judge or clerk observed the violation. Additionally, a presiding judge may call a law enforcement officer to request a poll watcher be removed if the poll watcher commits a breach of the peace or a violation of law.

POSSIBLE ILLEGAL ACTIVITIES:

Q. What illegal activities should a watcher look for?

- A. The election judge may be notified of any activity that appears to be prohibited by law.

If any of the following activities occur, bring it to the election judge's attention and note the individual(s) involved, including time and place of occurrence:

1. Election workers allowing voters to vote a regular ballot who do not (1) present an acceptable form of photo identification; (2) present a supporting form of ID and execute a Reasonable Impediment Declaration, if a voter does not possess and cannot reasonably obtain an acceptable form of photo identification; or (3) present a Voter Registration Certificate with an "E" notation on it. [Sec. 63.001].

Please see Page 15 for a list of acceptable forms of photo ID and a list of supporting forms of ID.

19. Violating any other Texas election laws.

PERSONS ALLOWED IN LOCATIONS RELATED TO ELECTIONS :

Q. Who is allowed inside certain locations related to elections ?

A. **NEW LAW:** HB 1128 (2021, R.S.) provides a list of individuals who are permitted to be lawfully present in certain locations related to elections. [Secs. 61.001, 87.026, 127.008].

- **Polling Place/Early Voting Locations:** The following individuals may be lawfully present in a polling place from the time the presiding judge arrives until the precinct returns have been certified and the election records have been assembled for distribution following the election:
 - an election judge or clerk;
 - a watcher;
 - the Secretary of State;
 - a staff member of the Elections Division of the Office of the Secretary of State performing an official duty in accordance with the Election Code;
 - an election official, a sheriff, or a staff member of an election official or sheriff delivering election supplies;
 - a state inspector;
 - a person admitted to vote;
 - a child under 18 years of age who is accompanying a parent who has been admitted to vote;
 - a person providing assistance to a voter under Section 61.032 or 64.032;
 - a person accompanying a voter who has a disability;
 - a special peace officer appointed by the presiding judge under Section 32.075;
 - the county chair of a political party conducting a primary election, as authorized by Section 172.1113;
 - a voting system technician, as authorized by Section 125.010;
 - the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election; or
 - a person whose presence has been authorized by the presiding judge in accordance with the Election Code.
- **Early Voting Ballot Board:** A person may be lawfully present in the meeting place of an early voting ballot board during the time of the board's operations if the person is:
 - a presiding judge or member of the board;
 - a watcher;
 - a state inspector;
 - a voting system technician, as authorized by Section 125.010;
 - the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election; or
 - a person whose presence has been authorized by the presiding judge in accordance with the Election Code.
- **Central Counting Station:** A person may be lawfully present in the central counting station while ballots are being counted if the person is:
 - a counting station manager, tabulation supervisor, assistant to the tabulation supervisor, presiding judge, or clerk;
 - a watcher;
 - a state inspector;
 - a voting system technician, as authorized by Section 125.010;

The voter must execute a Reasonable Impediment Declaration and present a supporting form of identification to complete the procedure. **The election judge, election clerk, or poll watcher cannot question the reasonableness of the impediment claimed by the voter. The poll watcher is not permitted to converse with any voter or communicate in any manner with any voter regarding the election, including, but not necessarily limited to, the Reasonable Impediment Declaration procedures or the presentation of voter identification.**

On the Reasonable Impediment Declaration, the voter must enter their name, indicate the voter's reasonable impediment to obtaining one of the seven forms of acceptable photo ID, and then sign and date the form in the presence of the election judge. The election judge must then indicate that the form was signed and sworn before the judge by also signing and dating the form. Either the poll worker or the election judge should also check the box listing the form of supporting documentation the voter presented, fill in the Date of Election and Location fields, and fill in the voter's Voter Unique Identification Number ("VUID") in the appropriate box or affix a sticker that contains that information across the box, and note on the Combination Form that the declaration was used by the voter.

NOTE: The address on either an acceptable form of photo identification or, if applicable, a supporting form of identification does not need to match the address on the list of registered voters.

If the voter's name on the list of registered voters does not match exactly to the ID presented (either an acceptable form of photo ID or, if applicable, a supporting form of identification), the voter must complete the "Substantially Similar Name Affidavit" on the Combination Form. [Sec. 63.001(c)].

PROVISIONAL VOTING:

Provisional voting is helpful in multiple scenarios, and provisional ballots must be offered to voters when required by the situations described below. However, a voter CANNOT be denied a provisional ballot in any circumstance.

NEW LAW: SB 1 (2021, 2nd C.S.) added Section 63.0111 to provide that an election judge commits an offense if the judge knowingly provides a voter with a form for an affidavit if the form contains information that the judge entered on the form knowing it was false.

If a voter (a) does not possess one of the seven (7) acceptable forms of photo identification, which, for voters aged 18-69, is not expired for more than four years, or, for voters aged 70 and older, may be expired for any length of time but is otherwise valid, and the voter can reasonably obtain one of these forms of identification; or (b) possesses, but did not bring to the polling place, one of the seven forms of acceptable photo identification; or (c) does not possess one of the seven forms of acceptable photo identification, could otherwise not reasonably obtain one, but did not bring a supporting form of identification to the polling place; and the voter does not have a permanent disability exemption indicated on their voter registration certificate, the voter may cast a provisional ballot at the polls.

However, in order to have the provisional ballot counted, the voter will be required to visit the voter registrar's office within six calendar days of the date of the election to (1) present one of the seven (7) acceptable forms of photo identification; (2) present one of the supporting forms of ID

their acceptable form of supporting ID and vote a regular ballot after executing a Reasonable Impediment Declaration.

- A voter who states they possess an acceptable form of photo ID, but do not have it with them to present at the polling place.
 - **NOTE:** If a voter has continued access to their acceptable form of photo ID but, for example, forgets to bring their acceptable form of approved photo ID to the polling place and/or left it at home or in their car, the voter still possesses the acceptable photo ID and must use it to vote. This voter may opt to leave the polling place and return at a later time with their acceptable form of photo ID and vote a regular ballot.
- A voter who does not present an acceptable form of photo ID or follow the Reasonable Impediment Declaration procedure and has a religious objection to being photographed and the voter has consistently refused to be photographed for any governmental purpose from the time the voter has held this belief. [Sec. 65.054(b)(2)(B)].
- A voter who does not present an acceptable form of photo ID or follow the Reasonable Impediment Declaration procedure because of a natural disaster that was declared by the President of the United States or the Texas Governor, occurred not earlier than 45 days before the date the ballot was cast, and caused the destruction of or inability to access the voter's identification. [Sec. 65.054(b)(2)(C)].
- A voter whose name on the form of identification presented (either an acceptable form of photo identification or, if applicable, a supporting form of identification with a Reasonable Impediment Declaration) is determined by the election officer not to exactly match or be substantially similar to the name as it appears on the list of registered voters.
 - **NOTE:** A voter's name as listed on the identification presented (either an acceptable form of photo ID or, if applicable, a supporting form of ID with a Reasonable Impediment Declaration) for voting is considered **substantially similar** to the form of the name as listed on the list of registered voters if one or more of the following circumstances applies: 1) The name on the presented ID is slightly different from one or more of the name fields on the official list of registered voters; 2) The name on the presented ID or on the list of registered voters is a customary variation of the voter's formal name (for example, Bill for William); 3) the voter's name contains an initial, middle name, or former name that is either not on the official list of registered voters or on the presented ID; 4) a first name, middle name, former name, or initial of the voter's name occupies a different field on the presented ID than it does on the list of registered votes. In considering whether a name is substantially similar, election officials will also look at whether information on the presented ID matches elements of the voter's information on the official list of registered voters such as the residence address or date of birth.
- A voter who presented a form of identification (either an acceptable form of photo identification or, if applicable, a supporting form of identification with a Reasonable Impediment Declaration) but whose identity cannot be verified by the identification presented, as determined by the polling place official per Section 63.001(d) of the Code.

In order to vote provisionally, the voter must complete and sign an “Affidavit of Provisional Voter,” a form which will also serve as a voter registration application in the event the voter is not registered or as an update to the voter's registration record if the information is different.

Q. Are there cases when a provisional ballot will not be counted? When is a voter notified?

A. While a provisional voter may be allowed to vote at the polling place, there are certain circumstances in which they will immediately be informed that their ballot will not be counted. For example, the election judge will notify the voter that their ballot will not be counted if:

- The voter does not present an acceptable form of photo identification, or, if the voter does not possess and cannot reasonably obtain an acceptable form of photo identification, the voter does not execute a Reasonable Impediment Declaration and present one of the acceptable forms of supporting identification, or submit one of the temporary forms (religious objection or natural disaster exemption), or submit the paperwork required to obtain a permanent disability exemption, to the county voter registrar within 6 calendar days from election day, or
- the ballot is cast at a precinct in which the voter is not registered (regardless of whether the voter is registered in another precinct in the same political subdivision).

Q. If a voter applied for a ballot by mail, may the voter vote provisionally at the election day precinct polling place without returning the mail ballot to the election judge?

A. Yes. A voter who appears on the list of registered voters as having applied for and/or received a ballot by mail may go to the polling place and vote. If the voter does not have the ballot to return to the judge, he will have to vote a provisional ballot. If the mail ballot does not arrive at the ballot board before the provisional ballot, the provisional ballot will be counted. If the mail ballot arrives at the ballot board before the provisional ballot, the mail ballot will be counted. [Sec. 63.011].

Q. How are provisional ballots reviewed and handled?

A. At the polling place, the election judge provides the provisional voter written notice informing the voter that they will be notified within 10 days after the local canvass as to whether or not their ballot was counted and, if not, why it was not counted. The notice also includes instructions and additional details regarding the provisional voting process.

The voter's eligibility to vote is reviewed by the voter registrar and the early voting ballot board must complete the processing and counting, where applicable, of the provisional ballots. Notice must be delivered to provisional voters regarding whether their ballot was counted and noting a reason if their ballot was not counted.

Q. How is the secrecy of the ballot preserved?

A. The voter places the voted provisional ballot in a plain white ballot secrecy envelope, which is placed inside the Provisional Affidavit Ballot Envelope. Provisional ballots are placed either in a designated, secure container or Ballot Box No. 4 until the voter registrar and early voting ballot board complete their review. The transfer and tabulation of these ballots are handled

replacement ballots (the original ballot, plus two replacement ballots yields a total of **three possible ballots per voter**). [Sec. 64.007(a) & (b)].

Q: If a voter is voting provisionally on paper or optical scan ballot, does he or she use the same type of ballot as a regular voter?

A: Yes, but the election officials may have a few ballots pre-stamped “provisional” in a separate stack from regular ballots. The following steps must occur:

- (1) the voter votes the ballot;
- (2) the voter seals the ballot in the ballot secrecy envelope;
- (3) the voter seals the privacy envelope in the provisional ballot affidavit envelope; and
- (4) the voter casts the ballot in the regular ballot box or other designated secured container as directed by the election officials.

NOTE: Some electronic voting systems allow the voter to cast a provisional ballot directly on the machine.

Q. If a voter leaves a voted ballot in the voting station or elsewhere in the polling place rather than putting it in the ballot box, or if a voter voting on an electronic voting system leaves without finally casting his or her ballot, is the ballot counted?

A. No. A ballot that has not been deposited in the ballot box used for the deposit of marked ballots may not be counted. The judge should treat it as a cancelled ballot. [Sec. 65.010(a)(4)]. On an electronic voting system, the ballot must be cancelled using the procedures for cancellation on the system particular to the entity holding the election. The ballot left uncast by a “fleeing” voter may not be counted.

RECOUNT WATCHER

Similar to a poll watcher, a recount watcher (formerly termed a representative) is a person appointed to observe the conduct of the recount on behalf of:

- a candidate,
- a political party, or
- the proponents or opponents of a measure (specific-purpose political action committee). [Sec. 213.013].

RECOUNT WATCHER QUALIFICATIONS

Unlike a poll watcher, a recount watcher is not required to meet any particular qualifications to serve. A recount watcher is NOT required to complete the training under Section 33.008. The recount watcher is not required to be a registered voter of the territory in which the election was held. The recount watcher does not have to satisfy any age or citizenship requirements. Public officials are not prohibited from serving as recount watchers; nor is the recount watcher’s eligibility affected by the familial relationship of a watcher to a person serving on the recount committee. For more information on recount procedures, please see the SOS’s Recount Outline.

relationship with these presiding officers and work with them to ensure that the voting process works smoothly. **Remember that you are not allowed to address voters directly.**

If any questions arise during your service that the presiding officer cannot answer or you question the accuracy of the information provided, you may call the Elections Division at our toll-free number, 1-800-252-VOTE(8683). The Elections Division is open Monday through Friday from 8:00 a.m. to 5:00 p.m., and during all uniform election dates from before the polls open until after they close. If you desire to learn more about the election process, please call our office to request one of our handbooks for election day officials and the early voting ballot board or our detailed recount procedures. You may also wish to review our online poll worker training at <https://pollworkertraining.sos.texas.gov>.

Thank you for your participation in the election process!

Texas Poll Watcher Training

presented by:

Alan Vera



Poll Watcher Course

- Qualifications
- Preparation
- Rules
- Restrictions
- Privileges
- What to Watch for Tips



Fair & Honest Elections

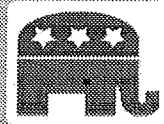
Presiding
Judge
(PJ)

Alternate
Judge
(AJ)

Clerks

Poll
Watchers

Cooperate for smooth voting



At the Polls

\$ Paid \$ Employees

- **Poll Workers**
Presiding Judge
Alternate Judge
- **Clerks**

Volunteers for Party - Candidate

- **Poll Watchers**

PW may NOT assist at polls

Poll Watcher



Appointed

2 per party/candidate/issue



Observe **ONLY**

Take detailed notes

May NOT serve as poll worker



Purpose

Ensure conduct of a
fair & honest election



Remember: Poll Workers maintain control and order.
Poll Watchers **ONLY** observe.

Qualifications:

- ✓ Registered voter in county
- ✓ No election convictions
- ✓ Not a candidate on ballot
- ✓ Not an elected public official
- ✓ Don't employ or work for judge or clerk
serving at the same polling place
- ✓ Not related to judge or clerk
serving at the same polling place
- ✓ Can be related to candidate or watchers

Before Election Day

APPOINTMENT OF POLL WATCHER BY POLITICAL PARTY
(FOLIO DE ASIGNACIÓN DE LOS OBSERVADORES POLÍTICOS)

To the Presiding Judge:
(Al Juez Presidente)

The following person has been appointed poll watcher in accordance with Sec. 33.003, V.T.C.A., Election Code. (La siguiente persona ha sido nombrada observador de acuerdo con la Sec. 33.003, V.T.C.A., Código de Elecciones)

Name of Poll Watcher (Nombre del Observador)	Name of Political Party (Nombre del Partido Político)
Residence Address of Poll Watcher (Dirección Residencial del Observador)	Name and Date of Election (Nombre y Fecha de Elección)
Voter Registration VERO Number of Poll Watcher (Número de Registro de Voto del Observador)	Presiding Poll Watcher is to serve (El Observador Principal debe servir)

Signature of the County Chair (Firma del Secretario del Condado)	Signature of Committee Member (Firma de un Miembro del Comité)
Signature of Committee Member (Firma de un Miembro del Comité)	Signature of Committee Member (Firma de un Miembro del Comité)

If the County Chair does not make an authorized appointment, any three members of the county executive committee may make the appointment.
(Si el secretario del condado no hace un nombramiento autorizado, cualquier tres miembros del comité ejecutivo del condado podrán hacer el nombramiento.)

Signature of the Watcher
(Firma del Observador)

- ✓ Certificate of Appointment
- ✓ Photo ID
- ✓ Vote early
- ✓ Map
- ✓ Name/cell #
- ✓ Parking
- ✓ Business casual
- ✓ Shoes / AC
- ✓ 15 hrs food/snacks/H₂O/meds
- ✓ Poll Watcher's Guides
- ✓ Clip board/pens
- ✓ Watch
- ✓ Cell phone
- ✓ Phone charger

You must have your Appointment Certificate BEFORE election day. This is the document you present to the Presiding Judge when you arrive at the polling place. Be sure you sign the Certificate the way you usually sign any document. At the poll the Presiding Judge will have you sign an affidavit and will compare signatures to ensure you are the same person.

Election Day:

- Arrive by 6:00am with all supplies
- Turn OFF cell phone
- Check layout of area (RR, etc)
- Present ***Certificate of Appointment*** to PJ
- Sign ***Affidavit of Poll Watcher*** in front of PJ

Compare Signatures

Bring Photo ID

- Begin work

AFFIDAVIT OF POLL WATCHER
 (NOT VALID FOR USE IN ANY STATE)

I, _____, a poll watcher for the above appearing candidate, do hereby swear or affirm that I am not here to interfere in any way with the election process or to obstruct the free exercise of the right of suffrage.

I do not intend to use any force or violence, or to use any threats or intimidation, or to use any other means to influence the election process, or to obstruct the free exercise of the right of suffrage.

I do not intend to use any force or violence, or to use any threats or intimidation, or to use any other means to influence the election process, or to obstruct the free exercise of the right of suffrage.

Signature of Poll Watcher: _____

Signature of Poll Judge: _____

Printed Name of Candidate: _____

Printed Name of Election Judge: _____

Sign the affidavit the same way you signed the Appointment Certificate. The PJ will compare signatures.

- **No Recording Devices**



- **Cell Phones OFF - NOT VIBRATE**

inside polling area & within 100 foot marker

Sec. 61.014 b. Texas Election Code

A person may not use any mechanical
or electronic means of recording images
or sound within 100 feet of a voting station.

**Ask PJ
for cell
phone policy**

The affidavit you sign does not include cell phones as recording devices. Some PJ's may allow you to have cell phones set on vibrate. Ask (in front of a witness) the PJ at the beginning of the day what his/her policy on cell phones will be.

**If NOT accepted for service,
the Presiding Judge must:**

- Return the *Certificate of Service*
- Signed statement with the
reason for the rejection

**Consult with AJ.
Following PJ's phone policy,
call your hotline before leaving.**

Call your hot line before you actually leave the poll area.

Professional Conduct Conflict Resolution

- Be professional in speech and body language
- Know your reference materials – highlight
- Ask PJ or AJ to deal with hostile clerks
- Dealing with errors by PJ
 - Politely point out correct action from reference materials
 - If PJ refuses to comply, advise of duty to report
 - AJ and both Poll Watchers document

Most PJ's are trying to do a good job and will be cooperative. However there are some that will not cooperate with you. They will try to make your life uncomfortable; hoping you will leave. Tell them, Look we both have a job to do today. That you hope this election goes smoothly because you would hate to have to file a bad report. I'll be fair with you, you be fair with me.

Repeat to the PJ that you both have a job to do, and that we can work together to run this election according the Texas law, or I can report you to the authorities and have you removed. Which do you prefer?

Rules

- Begin service after PJ arrives
- *Certificate of Appointment* to PJ
- Sign *Affidavit of Poll Watcher* in front of PJ
- 2 may sign Zero Tape and election results
- May not leave while ballots being counted
- May stay until PJ leaves with results
- May follow delivery of results if desired
- Must serve 5 consecutive hours before
Poll Watcher may come and go

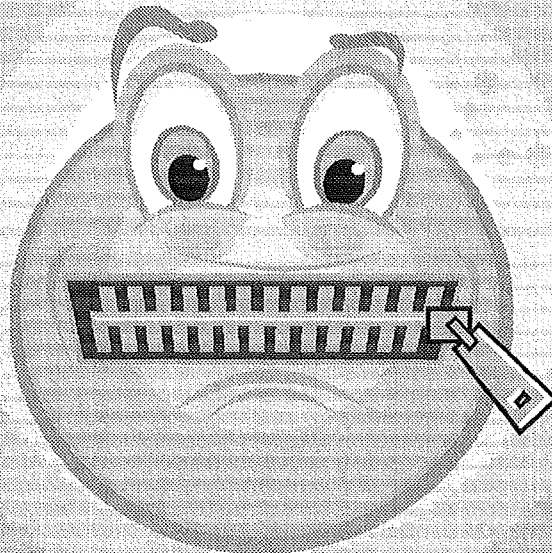
(Cell phone and RR are OK)

Even if there are more than 2 poll watchers at the polling station, the PJ may limit the number of PW's to sign the Zero tape and results tape to 2 poll watchers. Even if you've been there 5 consecutive hours, you may not come and go while ballots are actually being counted.



Don't wear any article of clothing or pin that could be interpreted as showing sides. Do not talk to ANYBODY not working that poll about anything going on inside that polling place. Talking to a voter (for any reason) can get you dismissed immediately. Unnecessary talking can be a reason for your dismissal, also.

MAY NOT TALK



May ONLY talk to point out an infraction to clerk or judge.

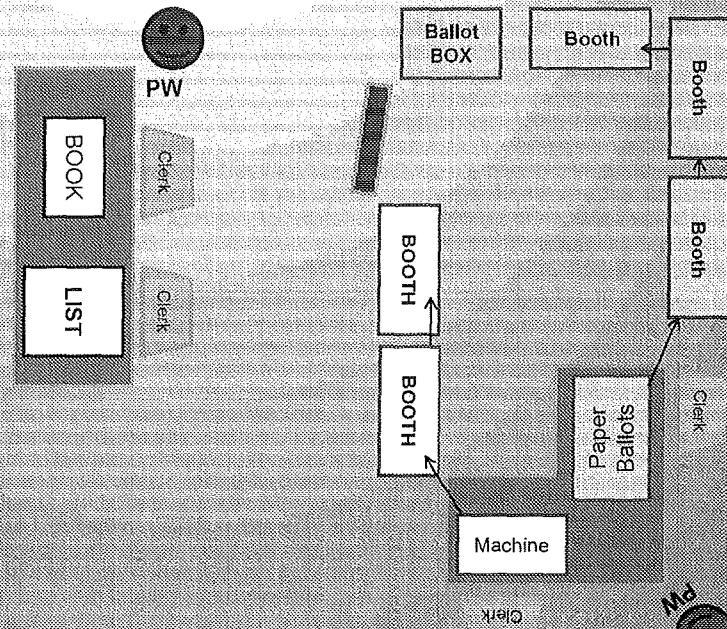
Privileges

- Observe all election activities of judges and clerks
- Sit or stand where convenient to observe
- Make written notes/documentation
(If PJ requires, leave in room with person you select)
- Point out to clerk or judge any irregularity
- Observe assistance to voters by election officials
- Inspect returns and records
- Witness closing of the polls
- English translation of other language between voter and official
- Accompany delivery of records/results

Preventing a Poll watcher from observing any entitled activity is a Class A misdemeanor.

DO NOT leave your notes with anybody from the "other side." If voter has brought his/her own helper (language or physical inability) and that helper has been properly sworn in, the Poll Watcher MAY NOT observe that person's voting process. We do not expect you to follow the PJ's vehicle to turn in the ballots. If you choose to do so, notify the PJ that you are exercising your right and that he/she is to drive in such a way as to make it easy for you to follow him/her.

PW Entry to Voting Area

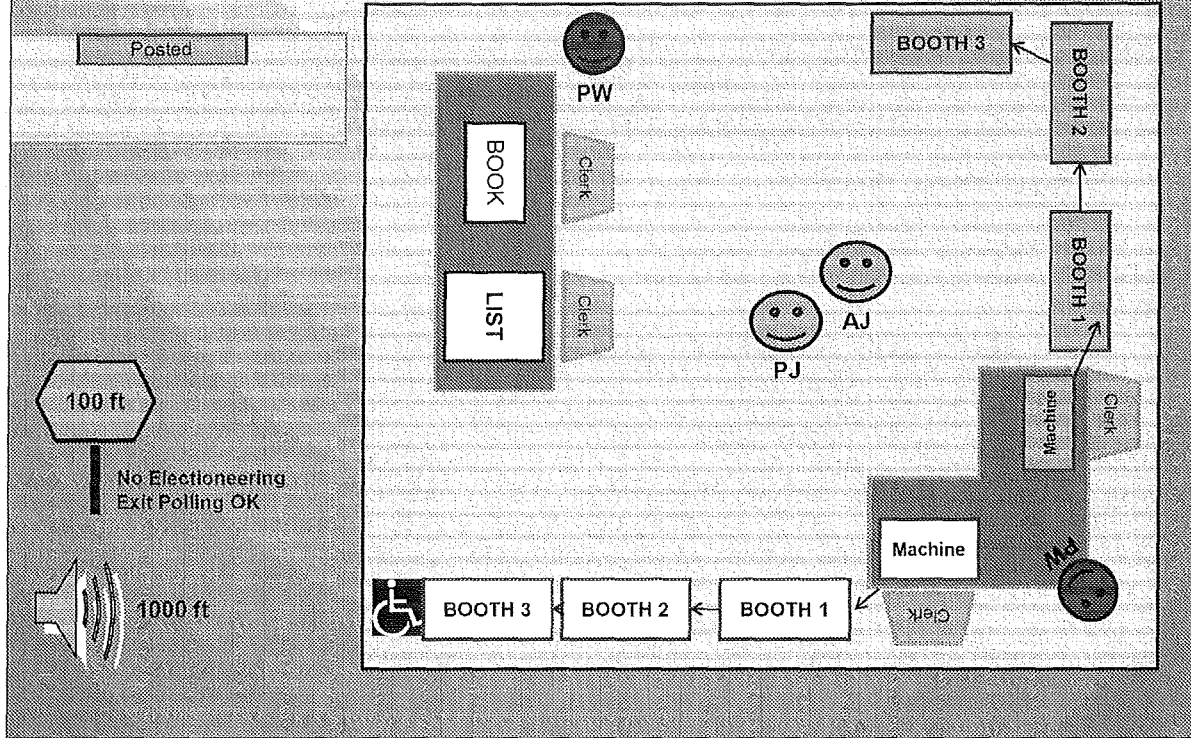


Poll Watcher Notes

	Mary Jones Poll Watcher	Nov. 6, 2018 Precinct # 123
9:20	Betty (Clerk) cleaned trash from voting booths	
9:25	Betty assisted voter with machine - OK	
9:30	PJ posted 2-hour count: JBC & list = 85 Paper ballots = 0	
9:32	Woman entered. Did not ask to vote. Came up to me and said (loudly) "Are you one of those poll watchers? You have no right to be here." I walked to PJ and said, "Please inform this woman that I may not speak to her." The PJ said, "Are you here to vote?" Woman- "I already voted but " The PJ told the woman she would have to leave and escorted her out the door.	
9:35	Tom did not check voter address. I reminded him. He corrected.	
9:36	Betty assisted voter with machine - OK	
9:37	PJ returned to room. Tom left for break	

- Note everything
What you see & hear (not think)
- Note time
- Note every repeat
- "Quote" if possible
- Don't compare notes
- Sketch room layout
- Notes stay with you
when polls close.
Keep in safe place.

Set Up – Election Day



Who can be in voting area?

- Voters
- Poll Watchers ID
- Interpreters Providing Assistance to Voters
- Children under 18 accompanying a parent to vote
- Persons admitted to provide assistance to voter
- Election Judges and Clerks ID
- State and Federal Election Inspectors ID
- Certified Texas Peace Officers appointed by PJ ID
- County Clerk Technical Staff ID
- Officials conducting a student election (rare)

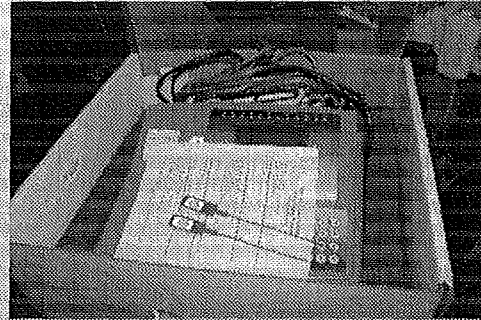
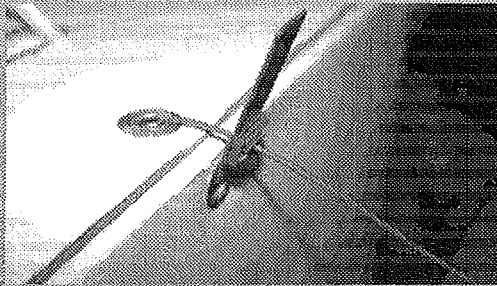
Class C misdemeanor for candidate to be inside polling place unless:

- Voting
- Assisting a voter
- Conducting Official Business
in building where poll located (plain view and not campaigning)

Those individuals marked as "ID" must have visible identification cards/name tags while they are in the polling station.

Security Seals

- Security seals may be plastic or sticker
- Individual serial numbers
- May read “VOID” after one use
- Seals broken in the presence of PJ and AJ
- Note placement of poll closing seals



There's a number on the flat surface of the Zip Tie. That number should match the number on the document inside the box.

Seal Logs

EXAMPLE Exhibit C

Prior to Supply Handoff:
 Precinct Number: 0479
 JBC Serial Number: 0123456
 MSB Dura Seal Number: M4456789 } PRE-PRINTED

Supply Handoff:
 JBC Travel Box outer Seal Number: 6923 (Circle in Seal numbers)
 Signature Precinct Judge: Dina Jones
 Signature Supply Handoff Clerk: Herbert Clark

Election Day Morning prior to opening:
 JBC Travel Box Outer Seal Unbroken? Yes ☒ No ☐
 JBC Travel Box Outer Seal Serial Number Match? Yes ☒ No ☐
 JBC Serial Number Match? Yes ☒ No ☐
 MSB Dura Seal Number Match? Yes ☒ No ☐
 (If No is checked for any question call help desk for a replacement JBC)

Signature Precinct Judge: Dina Jones
 Signature Alternate Judge: Paul Allen

End of Election day wrap-up:
 JBC Travel Box outer Seal Number: _____ (Write in Seal number)
 Signature Precinct Judge: _____
 Signature Alternate Judge: _____

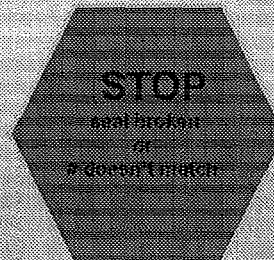
Drop off Location:
 JBC Travel Box Outer Seal Unbroken? Yes ☐ No ☐
 JBC Serial Number Match? Yes ☐ No ☐
 MSB Dura Seal Number Match? Yes ☐ No ☐
 (If No is checked for any question call the supervisor)

Signature Precinct Judge: _____
 Signature Precinct Clerk: _____

Return Comments on back of form.

Observe PJ + AJ Setting Up

- PJ waits for AJ to set up
- Numbers match up on forms
- Both PJ and AJ sign
- Note location of closing poll seals



The diagram illustrates a three-booth voting system. At the top, three booths are labeled 'BOOTH 1', 'BOOTH 2', and 'BOOTH 3'. Arrows indicate a flow from 'BOOTH 2' to 'BOOTH 1' and from 'BOOTH 3' to 'BOOTH 2'. Below these, a central area contains a 'Machine' and a 'Clerk' (represented by a trapezoidal shape). An arrow points from the 'Machine' to 'BOOTH 3'. To the right of the 'Machine' is a circular icon with a 'P' and a 'V' inside, likely representing a ballot box or a specific voting station. The entire system is enclosed in a rectangular frame.

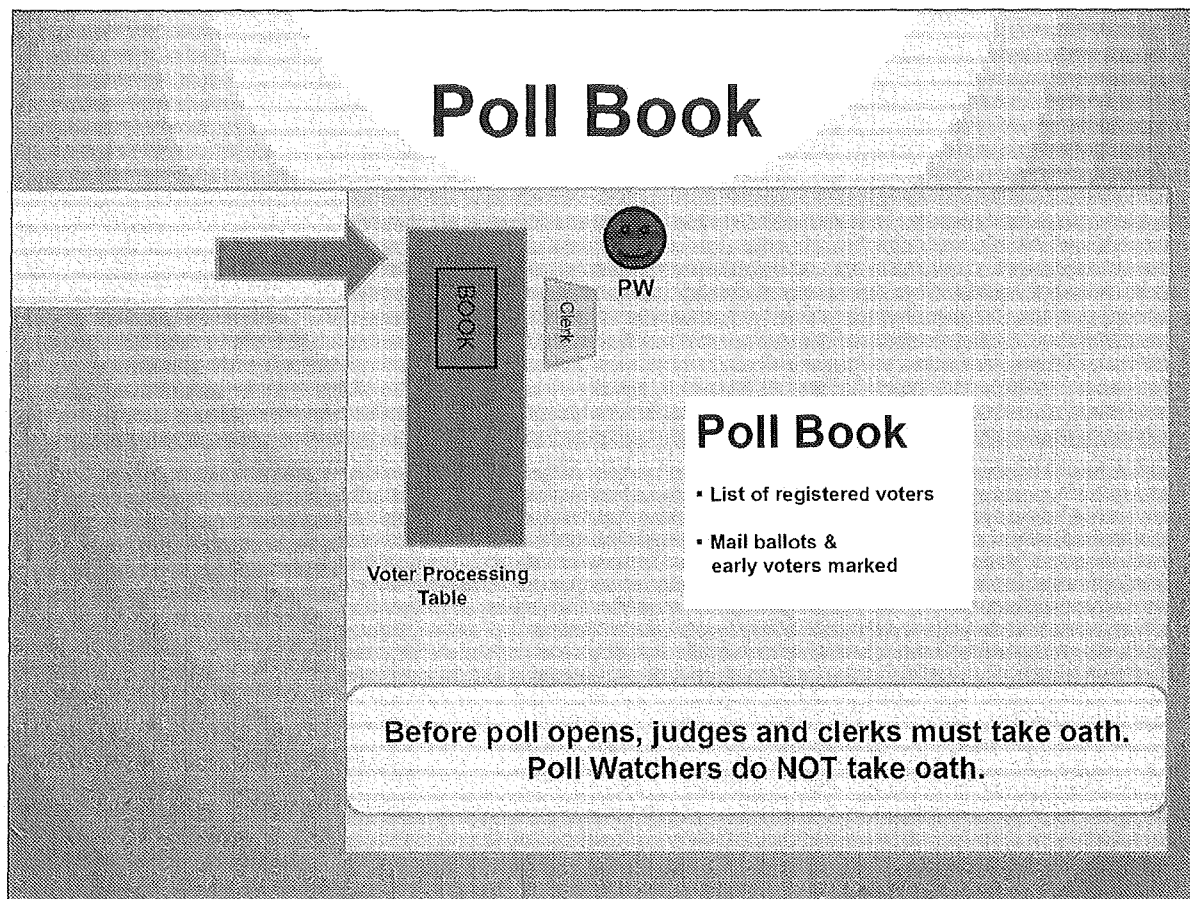


BOOTH 2

BOOTH 3

Machine

Click



Poll Book

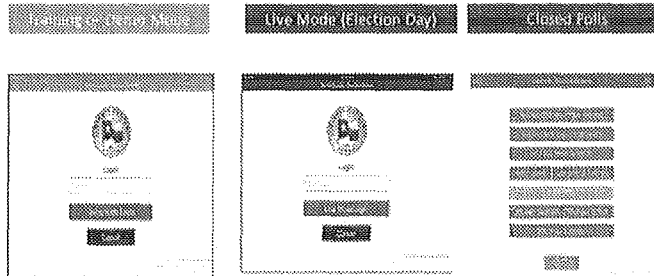
- Each voter shows ID
- Each voter asked if address in book is current
- Voter initial if "similar name"
- Each voter signs this book on line with voter's name
- PJ signs book at closing

[illegible]

PROCESSING VOTERS

Inside the "Manuals, Reference Guides and Glossaries" envelope you will find the "Qualifying Clerk's Procedure" and "Processing Voter Situations" guide. Have the clerks working this position review both guides before the polls open and become familiar with those details.

TOP BAR COLORS INDICATE MODE

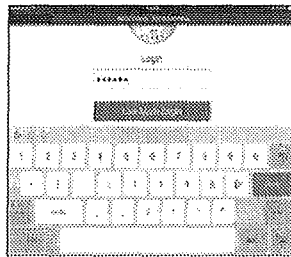


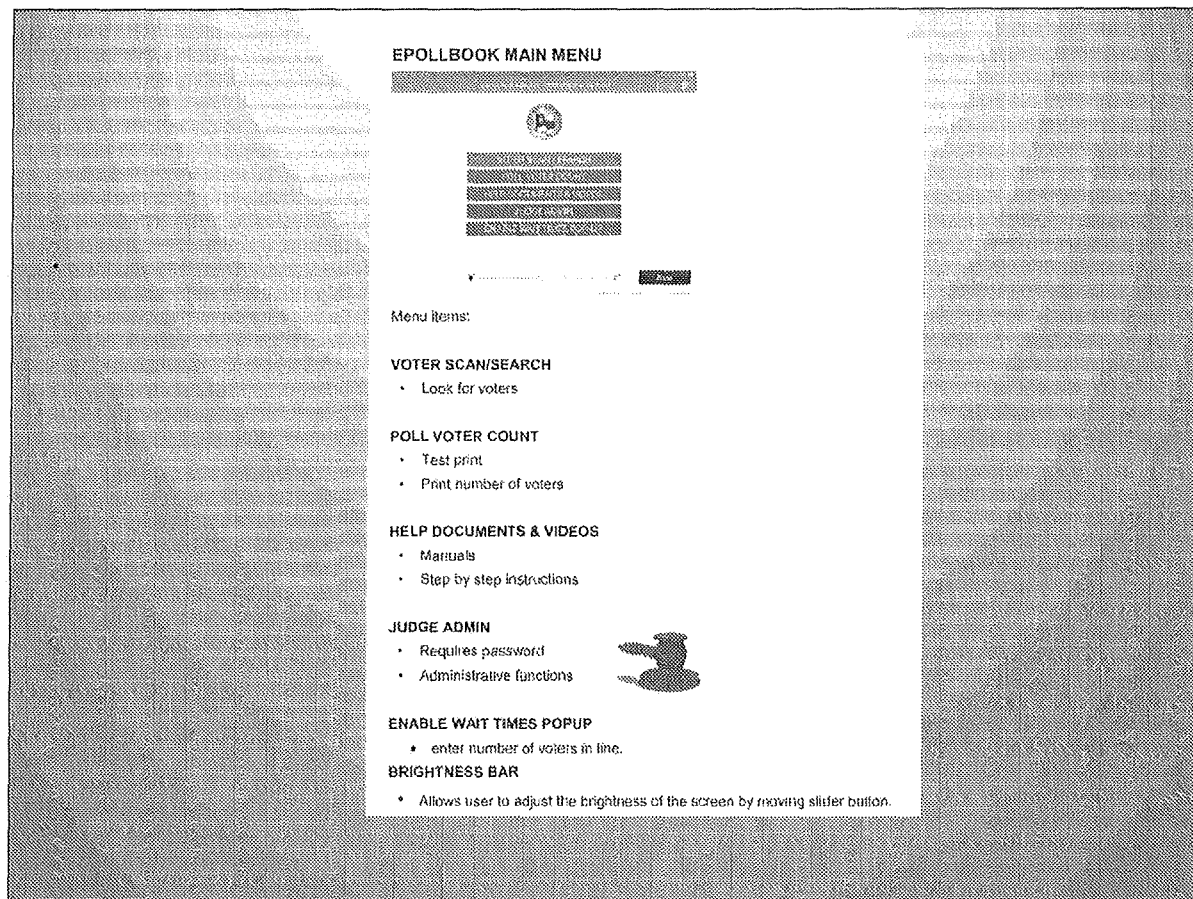
LOGIN SCREEN

Login Screen will be displayed.

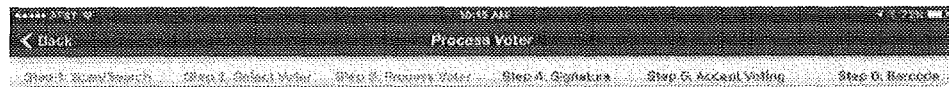
Tap on the word "Password" displayed on the screen. A keyboard will appear.

Note: The keyboard will only display when you tap in a text field.





EPOLLBOOK PROCESSING



- During election day the colored bar at the top of the ePollBook should be BLACK.
- This indicates it is in live voting mode.
- The ePollBook was designed to qualify a voter in 6 steps.
- The steps are identified on the progress bar at the top of the screen.
- After each step is completed successfully, it will be highlighted in BLUE.

ACCEPTABLE FORMS OF IDENTIFICATION TEC 63.0101

Acceptable Forms of Identification for Voting in Texas



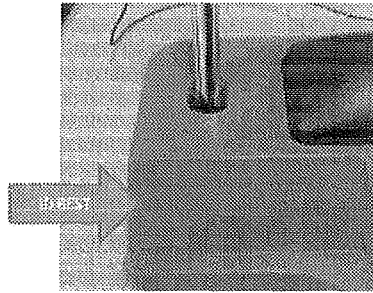
Confirmation of the U.S. citizenship is required. The identification must be current or, for voters aged 18-49, have expired no more than 5 years before being presented for voter registration or the polling place. A recent 20 years of age or older voter who is born in the United States and who has a period of the identification is otherwise valid.

STEP 1: SCAN/SEARCH

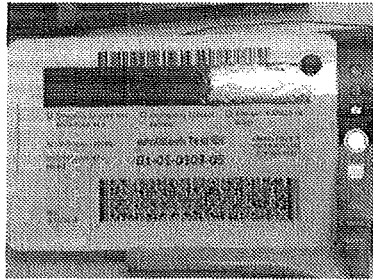
Scan/Search voter.

Photo IDs that will scan:

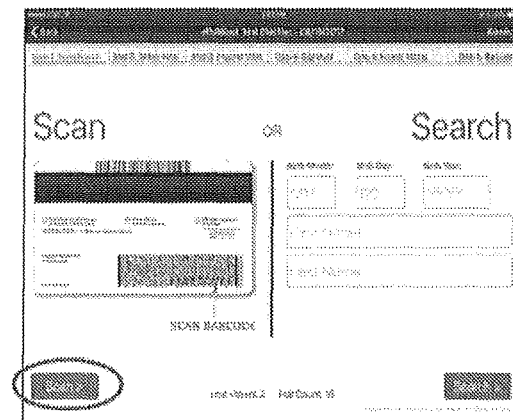
- Texas Driver's License (TDL)
- Texas Identification Cards (TID) (issued by TXDPS)



Place the TDL or TID on the ID rest of the stand.
Picture facing away from you.



Tap the scan button.



If you are unable to scan the ID, you can search manually.

STEP 2: SELECT VOTER

Tap the Select button to the left of the voter's name.

Photo ID	Name	DOB	DOB	DOB
	ANDREW JEN RICE	01/11/1980	01/11/1980	01/11/1980

Back Next

Scanning TDL or TID will automatically answer the questions in "Step 3: Process Voter" screen:

- "Has Voter Provided an acceptable Photo ID?"
- "Does Voter Registration Name Exactly Match Photo ID?"
(Not "Yes" if the names are not identical.)

Photo ID	Name	DOB	DOB	DOB
	ANDREW JEN RICE	01/11/1980	01/11/1980	01/11/1980
	SCOTT CHARLES ZANTH	02/11/1980	02/11/1980	02/11/1980
	TEAL BARBARA WYNN	03/11/1980	03/11/1980	03/11/1980
	SEN CHARLES WYNN	04/11/1980	04/11/1980	04/11/1980
	WYNN CLARE WYNN	05/11/1980	05/11/1980	05/11/1980

Back Next

SCANNING VS SEARCHING

Answer the questions. If a TCU/TID is used, some answers may be pre-populated. Verify all answers, even if prepopulated.

[illegible]

"Has Voter Provided an acceptable Photo ID?"

TDL/TIO scanned - Yes box checked.

"Does Voter Registration Name Exactly Match Photo ID?"

TDL/TID scanned ~ specific to Voter's information.

Searching for a voter by entering their data.

The worker will have to answer the above questions.

Voter Able to Sign - will be marked YES for all Voters.

Change to "No" when needed.

STEP 3: PROCESS VOTER

Complete the required questions.

- Tap Yes = Continue.
- Tap No = Follow instructions given.

[Back](#) [Next](#) [Skip](#) [Cancel](#) [Help](#) [Feedback](#)

PREVIOUS QUESTION: Did you provide your voter ID? YES NO

Did you provide your voter ID? YES NO

Did you provide your voter ID? YES NO

Did you provide your voter ID? YES NO

Did you provide your voter ID? YES NO

[Go to Voter Signature Screen](#)

Photo ID

[Back](#) [Next](#) [Skip](#) [Cancel](#) [Help](#) [Feedback](#)

PREVIOUS QUESTION: Did you provide your voter ID? YES NO

Did you provide your voter ID? YES NO

Did you provide your voter ID? YES NO

Did you provide your voter ID? YES NO

Did you provide your voter ID? YES NO

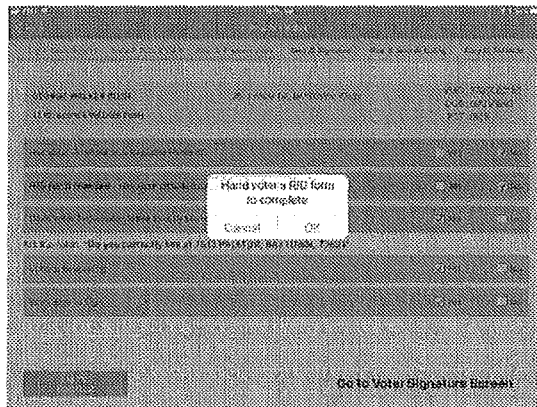
[Go to Voter Signature Screen](#)

Has Voter Provided an acceptable ID?

- Yes = continue processing the voter.
- No = displays "RID form Needed -- Has voter provided a completed RID form?"
 - Yes = continue.
 - No = displays message "Hand voter a RID form to complete."

Hand voter a RID form to complete.

- Cancel = returns to voter screen.
- OK = returns to the Home/Start Over screen.



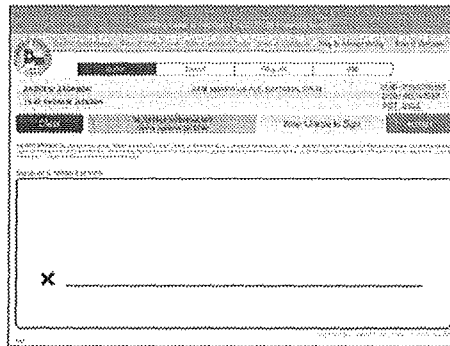
After all the questions have been answered the "Go to Voter Signature Screen" button will be accessible by turning green.

Tap Go to Voter Signature Screen button.

Voter's screen displays, tilt screen toward the voter.

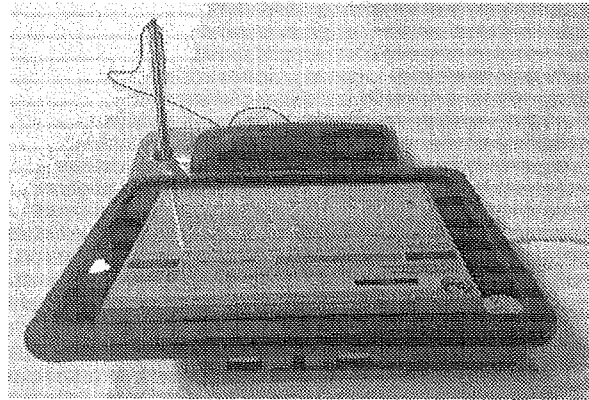
STEP 4: SIGNATURE

Voter's signature screen displays.



The screenshot shows a digital interface for a voter's signature. At the top, there is a header with a logo and some text. Below this, there are several fields for personal information, including a name field, a date of birth field, and a gender field. A "Vote" button is visible on the right side. Below the form fields, there is a large rectangular area for the signature, with a small "x" icon and a line indicating where to sign. The bottom of the screen displays "TOTAL ATTEMPTS: 1/1".

Tilt the iPad towards the Voter.



SIGNATURE SCREEN OVERVIEW

1 - Language line. Voter can change the language on the Signature screen.

2 - Clear. Clears the Voter's signature.

3 - Incorrect Information. Returns to the previous screen Step 3: Process Voter.

- 1 - Language line. Voter can change the language on the Signature screen.
- 2 - Clear. Clears the Voter's signature.
- 3 - Incorrect Information. Returns to the previous screen Step 3: Process Voter.

4 - Voter Unable to Sign. Returns to previous screen. Requires clerk to check the reason the Voter is unable to sign. Visually Impaired or Physically Disabled.

- 4 - Voter Unable to Sign. Returns to previous screen. Requires clerk to check the reason the Voter is unable to sign. Visually Impaired or Physically Disabled.

Go to Voter Signature Screen

After reason is selected, Go to Voter Signature Screen button changes from grey to green.

Go to Voter Signature Screen

5 - VOTER'S AFFIDAVIT – Affidavits required by the Texas Election Code.

Enlarge text by tapping on the words of the affidavit.

Reduce by tapping on the X.

6 – Signature Line. Voter signs on the line.

7 – Accept button. Voter taps Accept to accept his/her signature.

The screenshot shows a mobile application interface for a voter's affidavit. At the top, there are three buttons: "Quit", "Voter's Affidavit", and "Voter Line to Sign". Below these buttons is a large rectangular box for the affidavit. To the left of this box is a large "X" icon, and to the right is a large number "6". Below the box is a line for the signature. To the right of the signature line is a large number "7". To the left of the entire screen is a large number "5".

VOTER'S AFFIDAVIT: By signing the box labeled "Signature & address of voter", I swear to affirm that I am a resident of the precinct in which I am offering to vote or am otherwise entitled by law to vote in that precinct, my last residence of the precinct is where I am offering to vote at the time the information on the voter's residence address was last provided to the voter registrar, I do not deliberately provide false information to secure registration in a precinct in which I do not reside, and I am voting only once in the election.

STEP 5: ACCEPT VOTER SIGNATURE

[illegible]

Voter

After the voter taps the Accept button the ePollBook will beep.
Tilt the iPad to you.
Tap the Accept Voter button.

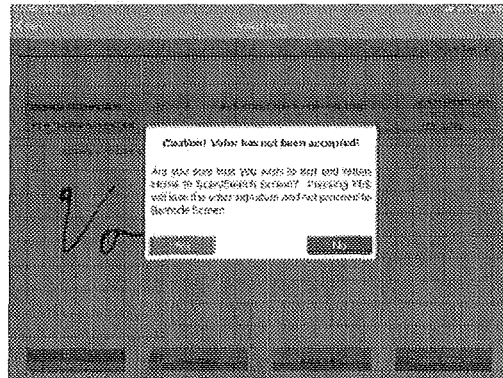
Systeme Evaluation of JSP

Voter

CAUTION! VOTER SIGNATURE HAS NOT BEEN ACCEPTED

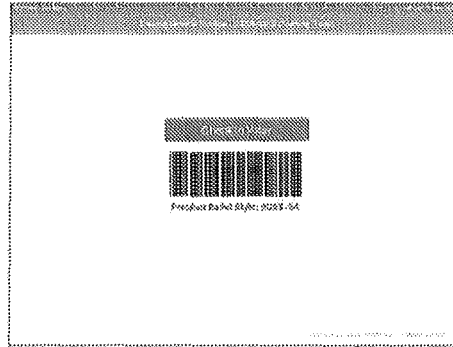
When the Home/Start Over button is tapped on Step 5, a Caution message displays.

- **Yes** response: Returns to the Scan/Search screen.
- **No** response: Continues to Step 6 for the Voter.

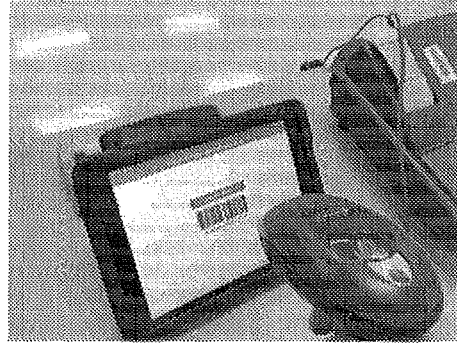


STEP 6: BARCODE

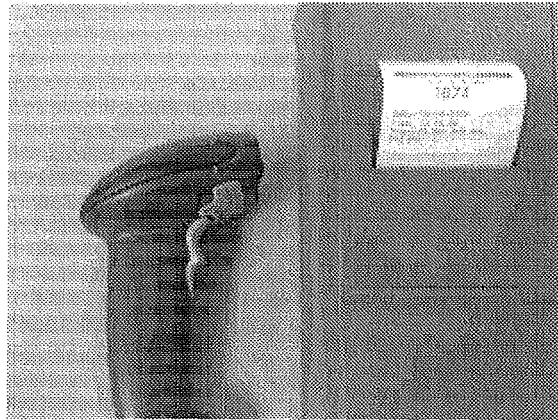
Barcode displays.



Scan the barcode. Pull the trigger on the scanner to scan.



Access Code will print on the JBC.



Give the Access Code to the voter.

Direct the voter to the eSlates.

STOP: GO TO EXERCISE #1.

Tap Check in Voter.

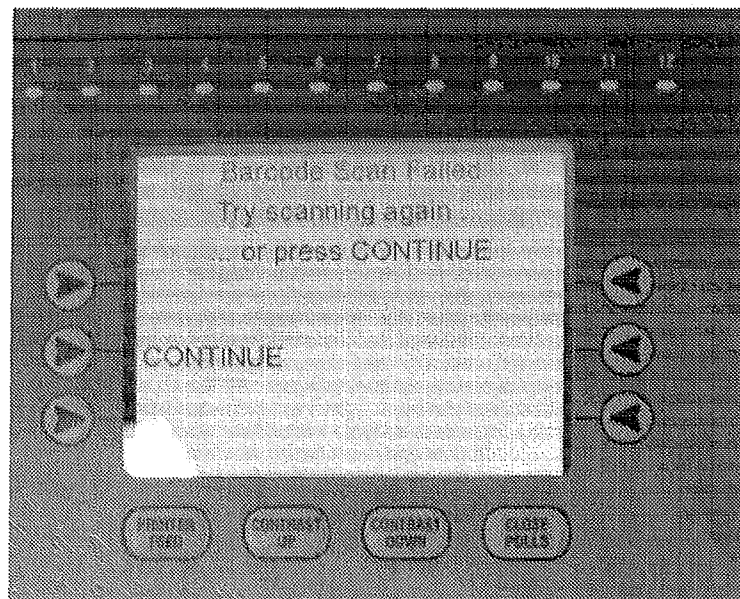
Ready for the next voter.

Do NOT keep the JBC votes balanced equally.

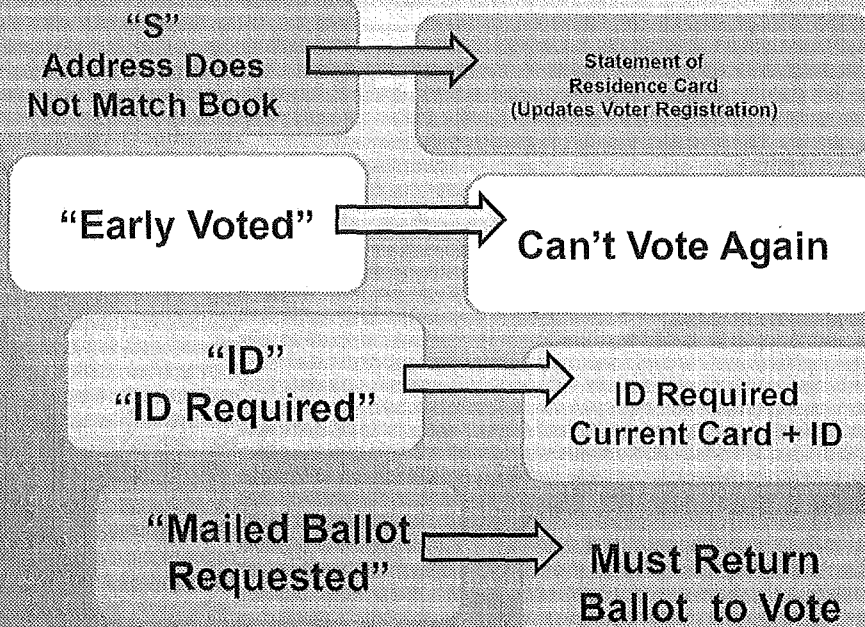
JBC MESSAGE AFTER 1ST SCAN

After the first scan, you may see an error message.

Press CONTINUE and rescan the barcode.



Common Problem - Solution



List “A” Valid Forms of I.D. for Voting – Only Need 1 (Not More than 4 Years Expired)

- Texas Driver License issued by Texas DPS
- Texas election identification certificate issued by DPS
- Texas personal identification card issued by DPS
- Texas handgun license issued by DPS
- United States Military Identification Card with photograph
- United States passport
- United States Citizenship Certificate with the person's photograph
- Signed & current voter registration card with the letter “E” after the VUID

Each voter only needs to show one form of ID unless ID is listed in Voter Book. Expired cards are OK. Most common will be voter registration card or DL.

List “B” Supporting Forms of ID with “Reasonable Impediment” Declaration

- Valid signed voter registration card
- Certified Birth Certificate (must be an original, not copy; another state/country OK)
- Original or copy of a current utility bill (no more than 2 months old when presented)
- Original or copy of a bank statement (must have an address for the voter)
- Original or copy of a government check (may be a copy; must have an address)
- Original or copy of a paycheck (may be a copy; must have an address)
- Copy or original of other government document (must have an address; original required if it contains a photograph; can be federal, state, local or tribal) Examples:
 - DL from other states Tribal ID Cards
 - DPS Receipts (no photo) Expired Voter Registration
 - Expired Texas DPS license or ID card (not over 4 years)

Each voter only needs to show one form of ID unless ID is listed in Voter Book. Expired cards are OK. Most common will be voter registration card or DL.

New Procedure for ID

- Ask Voter if they have obtained List "A" ID (Not more than 4 years expired)
- If "yes," they MUST present that form of Photo ID
- If not with them, they vote Provisional Ballot
- If "no," ask voter if they have a "reasonable impediment for not having Photo ID
- Inform voter they may vote Regular Ballot with List "B" ID and Reasonable Impediment Declaration
- Have voter present List "B" ID and fill out Reasonable Impediment Declaration
- Note: address on ID does not have to match address in poll book, but voter must verbally confirm address in poll book.

Each voter only needs to show one form of ID unless ID is listed in Poll Book. Expired cards are OK. Most common will be voter registration card or DL.

Reasonable Impediment Declaration

- Lack of transportation
- Disability or illness
- Lack birth certificate needed to get Photo ID
- Work schedule
- Family responsibilities
- Lost or stolen photo ID
- Photo ID applied for but not received

Each voter only needs to show one form of ID unless ID is listed in Voter Book. Expired cards are OK. Most common will be voter registration card or DL.

At the end of the day, the White copy goes in Envelope 1, the Green copy goes in Envelope 2, and the Pink copy goes in Envelope 4.

Election Day 2 Hour Voter Count

- 9:30 – 5:30
- Posted outside door
- Poll List should equal Votes Cast
- **??? Common error: poll list may not have been updated when the poll got busy**

- Check voter count leaving + returning from break
- Only one Poll Watcher breaks at a time

Provisional Ballots

- When voter eligibility is in question but he insists on voting

Examples: No valid card or ID
Mailed ballot but didn't return
Wrong precinct
Address outside county
Voter who does not qualify but insists on voting
If court order to keep polls open after 7:00pm

- **PJ must make the decision** not a clerk
- **PJ must inform voter that his vote may/will not count**
- **Provisional Affidavit** completed by PJ and voter with **reason**
- Provisional **ballot code** issued
- **JBC tape long**
- Papers put in proper **envelope**

Try to alert the Alternate Judge whenever there's a provisional ballot in the works.

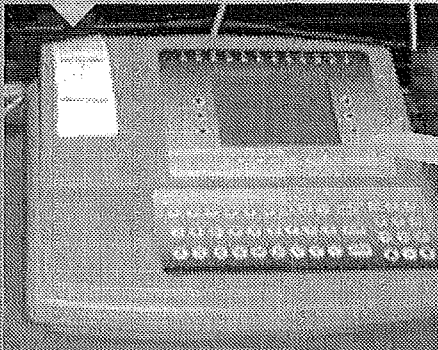
Watch for Differences in Provisional Ballots

EXAMPLE

Qualified Voter
JBC Ticket

ACCESS CODE
Clave de Acceso
3622
Date: 08-10-2010
Time: 20:58:19
Place: Early Voting Hall 0
Pot: 0003-21

JBC Ticket
Prints Here



Ballot Code
Precinct #
Entered Here

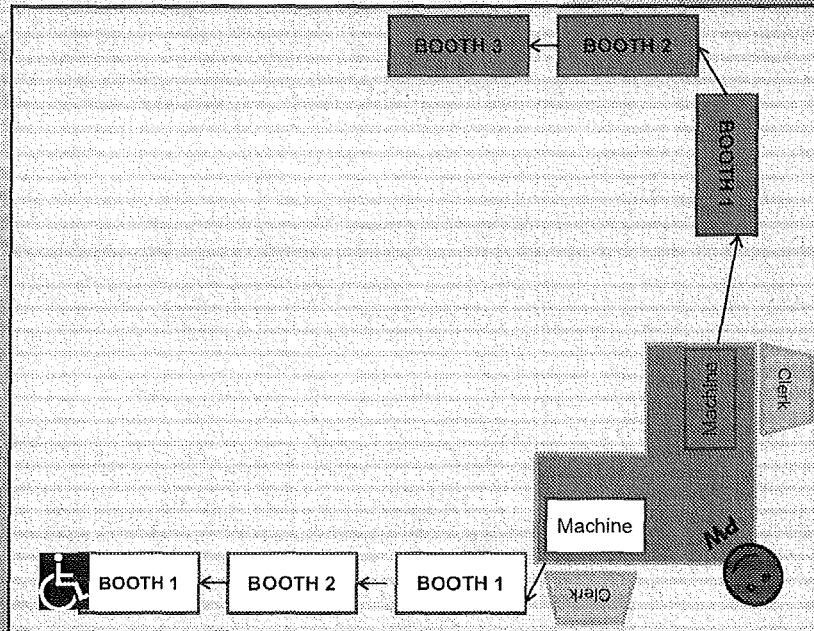
Provisional
Voter
JBC Ticket

ACCESS CODE
Clave de Acceso
8863
Date: 08-10-2010
Time: 19:00:55
Place: Early Voting Hall 0
Pot: 0003-21
Ballot Code: 663831

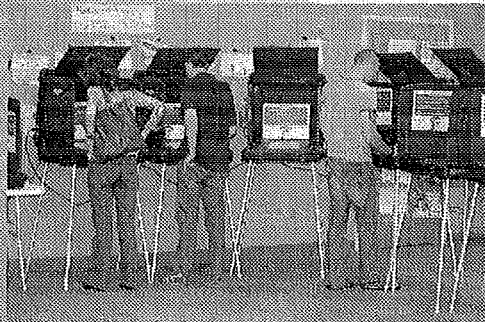
PRECINCT #
Precinct #
Harris County, Texas
Inclusive Elections
November 03, 2011
Early Voting Ballot Office
VOTING INSTRUCTIONS
Date: 08-10-2010
Time: 19:00:54
INSTRUCTIONS TO VOTER:
1. Press your name below.
2. Sign your name below.
3. Place your ID card, driver's license, and ballot
4. Give provision to
election judge.
5. Proceed to voting booth to vote ballot according to ballot instructions.
DATE OF ELECTION:
November 03, 2011
NAME OF ELECTION:
Inclusive Elections
PRECINCT #:
0003-21
BALLOT #:
663831
VOTING INSTRUCTIONS

At the Machines / Ballot Handout

- Ballot code
- Precinct number
- Provisional different
- One per voter
- Stays with voter
- No ticket stacking
- Ticket expires
- Cancel properly
- No visiting
- No texting




At the Booth....



If completed ballot symbol not displayed,
voter returns to finish or ballot cancelled.
Poll Workers may not press "Cast
Ballot."



- **ONLY voter touches machine / ballot**
- Stickers/trash left behind removed
- Voter may ask for information on procedures but NOT who to vote for.
eg. "This is where you pick your party."
- Class B misdemeanor for election worker to knowingly suggest how a voter should vote
- One should be portable 

Voter may request assistance for:

- Language barrier
- Physically unable to mark ballot
- May bring assistant who takes oath
- If assisted by election worker observed by member of both parties



Lights on the JBC machine indicate the status of each eSlate machine. If you see an empty eSlate slot, but the JBC machine shows that slot in use, you may want to check to see if the last voter forgot to actually cast his/her ballot.

VOTER NEEDING ASSISTANCE

• Voter has a right to assistance if:

- 1) cannot read or write at all
- 2) is physically unable to mark a ballot OR
- 3) does not speak/read any language on the ballot.

• Voter MAY NOT be assisted by an employer or by an officer or agent of the voter's union.

• If an election worker assists a voter, the poll watcher may observe that assistance (stand close enough to hear everything said, but avoid seeing the actual ballot being cast by the voter.)

Those individuals marked as "ID" must have visible identification cards/name tags while they are in the polling station.

Additional Items to Watch During Voting:

- Bribing, coercing or unlawfully influencing voters
- Telling anyone how a voter has voted, who has voted or the status of the vote count
- Candidate/Party clothing, stickers or signs
- Harassing an election official
- Unlawfully assisting voters - ** families
- Unlawfully accepting or refusing voters
- Using a cell phone in the polling location (unless official election business)
- Interfering with the voting process
- Political stickers or pamphlets left in booth

Remember: Voters may bring notes into polling place and booth.

What to do if you see an infraction:

Correct on the spot

- If correction made: Record and note correction made
- If correction not made: Inform AJ/PJ and record noting outcome
- If major infraction and no correction: Incident report
- The entire team records the incident. **Don't discuss.**
- Include time and names of all involved: Clerk, PJ, AJ, PW, etc.
- Description of violation: what you witnessed and what was said
- **Leave out opinion/emotion**

Remember: You document while AJ or PJ calls. You call only if serious infraction that both AJ and PJ refuse to address.

7:00 pm

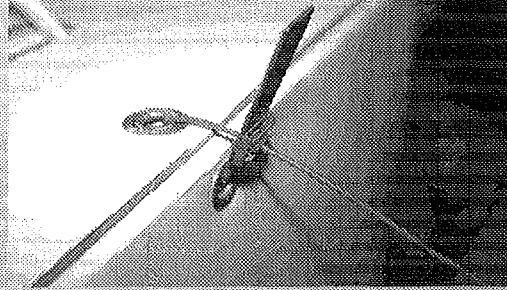
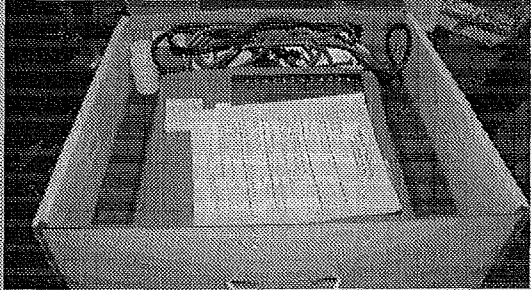
- Only voters in line at 7:00 pm may vote
- When last voter has voted, door is locked and shut down begins
- If you are asked to mark the place in line – **decline**.

Remember: A Poll Watcher may NOT become a Poll Worker. You may NOT assist carrying ballots, hanging signs, setting up or taking down equipment, etc.

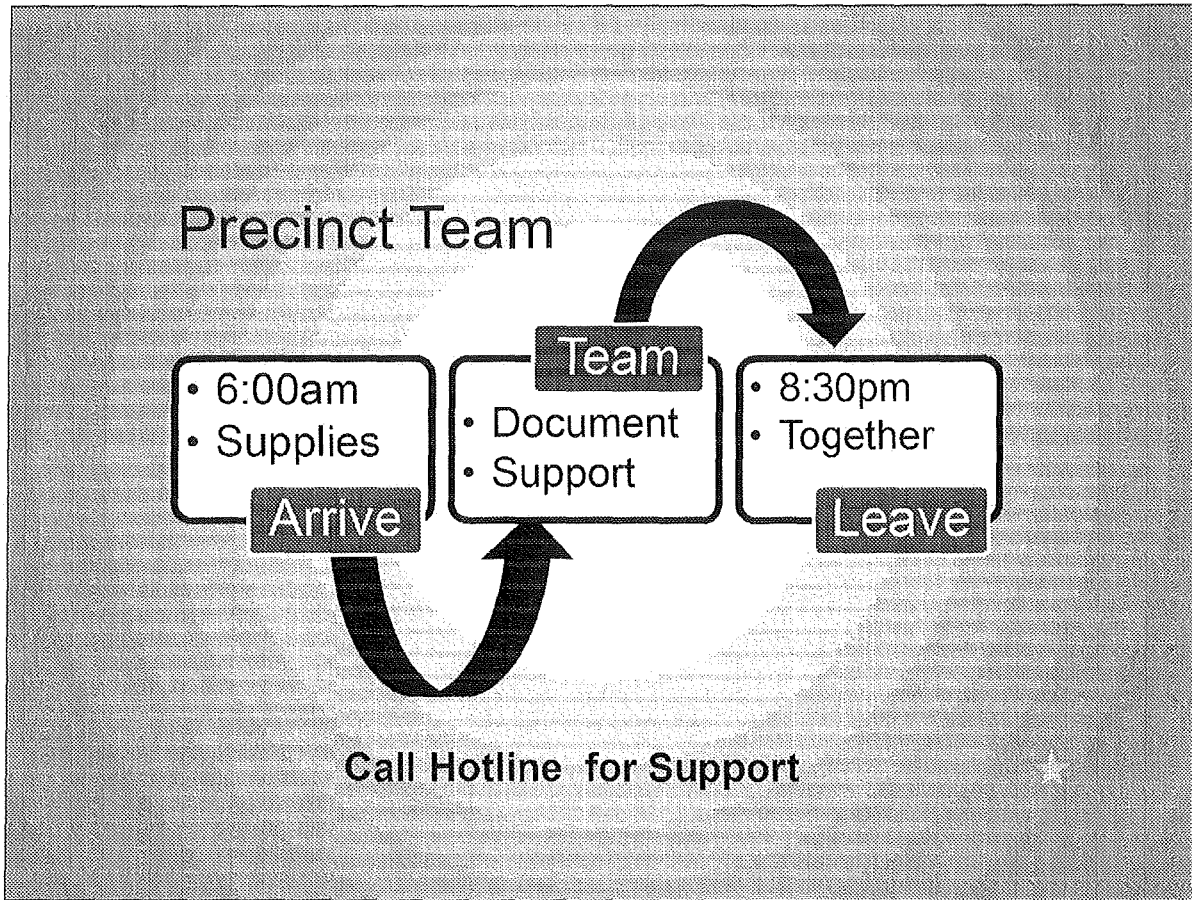


Watch for:

- Observe completion of forms
- Match all seal numbers to forms



- Security Seal numbers recorded
- Seals secure



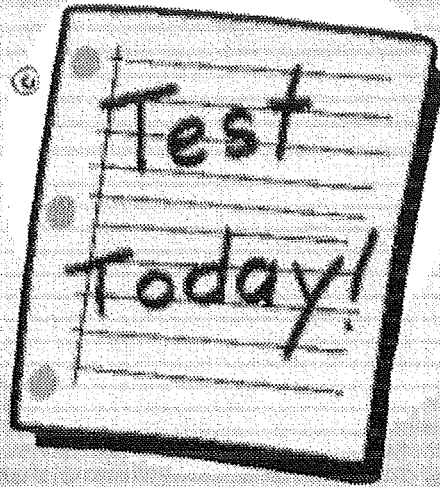
Early Voting

- Higher level of activity – multiple precincts
- Voters can vote at any county location
- Different opening & closing poll procedures
- Arrive 1 hour early and plan for 1 hour after doors close
- Supervisor keeps Certificate of Appointment until end of election if you plan to return to site

PJ = Supervisor

AJ = Alternate Supervisor

Review-- Examination



Those individuals marked as "ID" must have visible identification cards/name tags while they are in the polling station.

Review

1. How many Poll Watchers may be sent to **each** polling location by **each** candidate on the ballot?

- A. 1
- B. 2
- C. 3

Review

1. How many Poll Watchers may be sent to **each** polling location by **each** candidate on the ballot?

B. 2

Review

2. At arrival, the Poll Watcher must present his ***Certificate of Appointment*** to the:
 - A. Clerk
 - B. Alternate Judge
 - C. Presiding Judge

Review

2. At arrival, the Poll Watcher must present his ***Certificate of Appointment*** to the:

C. Presiding Judge



Review

3. When signing the ***Affidavit of the Poll Watcher***, the Poll watcher is affirming that he/she:
- A. Will stay on duty until all votes are cast
 - B. Does not possess any recording devices
 - C. Will judge in a fair and honest manner

Review

3. When signing the ***Affidavit of the Poll Watcher***, the Poll watcher is affirming that he/she:

B. Does not possess any recording devices

Review

4. Who is responsible for **maintaining order and control** at the polling place?
- A. Election Workers (Clerks/Judges)
 - B. Candidates
 - C. Poll Watchers

Review

4. Who is responsible for **maintaining order and control** at the polling place?

A. Election Workers (Clerks/Judges)

Review

5. Poll Watchers **may sit or stand**:

- A. Only where the presiding judge allows
- B. Conveniently near election officials to observe election activities
- C. Only where NOT visible to voters

Review

5. Poll Watchers **may sit or stand:**

B. Conveniently near election officials to observe election activities

Review

6. **Preventing** a Poll Watcher from observing any activity the Poll Watcher is entitled to observe is a:
- A. Misdemeanor
 - B. Felony
 - C. Civil matter

Review

6. **Preventing** a Poll Watcher from observing any activity the Poll Watcher is entitled to observe is a:

A. Misdemeanor

Review

7. A Presiding Judge may require a Poll Watcher to **leave the polling location** if the Poll Watcher:
- A. Talks to a voter
 - B. Informs a Clerk of an infraction
 - C. Takes written notes

Review

7. A Presiding Judge may require a Poll Watcher to **leave the polling location** if the Poll Watcher:

A. Talks to a voter



Review

8. If a Poll Watcher points out an infraction to a Clerk and the Clerk refers the Poll Watcher to the Presiding Judge, the Poll Watcher **may NOT discuss the matter further with the Clerk unless:**
- A. Two Poll Watchers observed the same infraction
 - B. Another Clerk sides with the Poll Watcher
 - C. The Presiding Judge invites the discussion

Review

8. If a Poll Watcher points out an infraction to a Clerk and the Clerk refers the Poll Watcher to the Presiding Judge, the Poll Watcher **may NOT discuss the matter further with the Clerk unless:**

C. The Presiding Judge invites the discussion

Review

9. Who **may accompany a voter** into the voting booth?

- A. A spouse
- B. A child under 18
- C. A political party official

Review

9. Who may accompany a voter into the voting booth?

B. A child under 18

Review

10. Poll Watchers may **observe a voter in the booth** when the voter is being assisted by:
- A. An interpreter brought to the poll by the voter
 - B. A child under 18
 - C. An Election Official

Review

10. Poll Watchers may **observe a voter in the booth** when the voter is being assisted by:

C. An Election Official

Review

11. A Poll Watcher may come and go from the polling location **after serving _____ consecutive hours.**
- A. 3
 - B. 5
 - C. 7

Review

11. A Poll Watcher may come and go from the polling location **after serving _____ consecutive hours.**

B. 5

Review

12. If the Poll Watcher leaves the room, the Presiding Judge may require him/her to **leave any written notes with:**

- A. The Clerks
- B. The Presiding Judge
- C. A worker selected by the Poll Watcher

Review

12. If the Poll Watcher leaves the room, the Presiding Judge may require him/her to **leave any written notes with:**

C. A worker selected by the Poll Watcher

Review

13. **Unless the Presiding Judge allows Poll Workers an exception**, inside the polling location all cell phones should be:

- A. Turned OFF
- B. Set on VIBRATE
- C. Used for TEXTING ONLY

Review

13. **Unless the Presiding Judge allows Poll Workers an exception**, inside the polling location all cell phones should be:

- A. Turned OFF



Review

14. A Poll Watcher may **NOT** bring _____ into the polling location.

- A. Food or beverages
- B. A camera or other recording device
- C. The Poll Watcher's Guide Book

Review

14. A Poll Watcher may **NOT** bring _____ into the polling location.

B. A camera or other recording device

Review

15. If the Presiding Judge allows, how many Poll Watchers **may sign** the official election documents?

- A. 1
- B. 2
- C. 3

Review

15. If the Presiding Judge allows, how many Poll Watchers **may sign** the official election documents?

B. 2

Review

16. What information **MAY be revealed** by persons serving in the polling location before the polls close?
- A. Number of voters who have cast a ballot
 - B. The names of persons who have NOT voted
 - C. Number of votes cast for a candidate

Review

16. What information **MAY be revealed** by persons serving in the polling location before the polls close?
- A. Number of voters who have cast a ballot

Review

17. On Election Day, the number of votes cast **must be posted** outside the door every _____ hours from 9:30am-5:30pm.

- A. 2
- B. 3
- C. 4

Review

17. On Election Day, the number of votes cast **must be posted** outside the door every _____ hours from 9:30am-5:30pm.

A. 2

Review

18. **No electioneering or loitering** may be within _____ feet of the entrance to the polling building.

- A. 50
- B. 100
- C. 150

Review

18. **No electioneering or loitering** may be within
_____feet of the entrance to the polling building.

B. 100

Review

19. **No sound amplification** for campaigning may be used within _____ feet of polling building.

- A. 500
- B. 1000
- C. 1500

Review

19. **No sound amplification** for campaigning may be used within _____ feet of polling building.

B. 1000





QUESTIONS ?

Case 5:21-cv-00844-XR Document 691-2 Filed 07/28/23 Page 253 of 310
To: alan@harriscountygop.com, julie.hunt@harriscountygop.com, vc@harriscountygop.com, vc@harriscountygop.com, Cynthia Siegel[cpcacindy401@gmail.com], Corey Carless[carj@outgroupall.com], Julie Hunt (julie.hunt@harriscountygop.com)[julie.hunt@harriscountygop.com]; Vanessa Ingrassia[vanessa.ingrassia@harriscountygop.com]
From: Alan Vera[alanv@tqba.com]
Sent: Tue 8/24/2021 5:12:51 PM (UTC)
Subject: FW: Unintended Consequence in SB 1 Engrossed Version

Redacted -- First Amendment Privilege

Alan D. Vera
Chairman, HCRP Ballot Security Committee
President/CEO
Quest Business Agency, Inc
18130 Cadbury Dr.
Houston, TX 77084
alanv@tqba.com
713-253-6569

From: Jacey Jetton <Jacey.Jetton@house.texas.gov>
Sent: Tuesday, August 24, 2021 6:50 AM
To: Alan Vera <alanv@tqba.com>; Tori Macfarlan <Tori.Macfarlan@house.texas.gov>
Cc: Colleen M. Vera (colleenmvera@yahoo.com) <colleenmvera@yahoo.com>
Subject: RE: Unintended Consequence in SB 1 Engrossed Version

Good morning,

Thank you for sharing and good catch. We will work with Chairman Murr on an amendment.

Thanks,

Jacey Jetton
Texas State Representative
House District 26

Capitol Office:
Room E2.716
P.O. Box 2910
Austin, TX 78768
Phone: (512) 463-0710

District Office:
1108 Soldiers Field Dr., Suite 100
Sugar Land, TX 77479
Phone: (281) 240-0342

From: Alan Vera <alanv@tqba.com>
Sent: Friday, August 20, 2021 10:43 AM
To: Jacey Jetton <Jacey.Jetton@house.texas.gov>; Tori Macfarlan <Tori.Macfarlan@house.texas.gov>
Cc: Colleen M. Vera (colleenmvera@yahoo.com) <colleenmvera@yahoo.com>
Subject: Unintended Consequence in SB 1 Engrossed Version

I wanted to call your attention to an unintended consequence in the version of SB 1 that you'll hear in committee tomorrow.

Page 45
Bill Section 6.03
TEC 276.015 and 276.016
Line 24



The language defines ballot harvesting services as "IN PERSON INTERACTION WITH A VOTER," etc.

The ballot harvesting (state jail felony) charges we have before the A.G. at this time involve harvesters stealing the identities of voters for mail ballot applications and fraudulent mail ballots. In none of these cases did the harvester have any in-person interaction with any of these voters. Several of the voters involved had been deceased for years. The others have signed declarations attesting that they did NOT give the person (harvester) permission to request a mail ballot for them. In most cases, the voters said they did not even know the person who had submitted the application in their name.

SB 1 does not repeal any of the other sections of the code that deal with mail ballot fraud. However, we are concerned that this new bill will pre-empt older sections of code. By re-defining the offense as requiring in-person interaction with the voter, are we giving perpetrators an "out" for their felony trials?

The solution could be as simple as adding a line that states that "this definition does not alter any other existing provisions in the code regarding ballot harvesting.

We need to avoid unintended consequences of this line in an otherwise good election bill.

Regards,

Alan D. Vera
Chairman ,HCRP Ballot Security Committee
President/CEO
Quest Business Agency, Inc
18130 Cadbury Dr.
Houston, TX 77084
alanv@tqba.com
713-253-6569

To: bryan.hughes@senate.texas.gov[bryan.hughes@senate.texas.gov], dawn.buckingham@senate.texas.gov[dawn.buckingham@senate.texas.gov]; paul.bettecourt@senate.texas.gov[paul.bettecourt@senate.texas.gov]; lois.kolkhorst@senate.texas.gov[lois.kolkhorst@senate.texas.gov]
Cc: cody.terry@senate.texas.gov[cody.terry@senate.texas.gov]; caroline.harris@senate.texas.gov[caroline.harris@senate.texas.gov]; Sonya Aston[sonya.aston@senate.texas.gov]; Marc Salvato[marc.salvato@senate.texas.gov]; chris.steinbach@senate.texas.gov[chris.steinbach@senate.texas.gov]; HCRP Chair[chair@harriscountygop.com]; HCRP ViceChair[vc@harriscountygop.com]
From: Alan Vera[alanv@tqba.com]
Sent: Wed 5/19/2021 3:26:35 PM (UTC)
Subject: Conference Committee Addition to SB 7
SB 1589 Bettencourt.docx

On behalf of the Harris County Republican Party Ballot Security Committee, I'd like to ask you to please consider adding the "election marshals" portion of SB 1589 to the Article 4 Enforcement provisions of SB 7.

Without the availability of real-time intervention of trained law-enforcement officers, we will not be able to enforce any of the provisions of SB 7 in Harris County. The viability of the critical SB 7 depends on the availability of real-time intervention to ensure compliance.

Please see the attached record of our invited testimony to the Senate Committee on State Affairs.

We appreciate your favorable consideration.

Regards,

Alan D. Vera
 Chairman, HCRP Ballot Security Committee
 President/CEO
 Quest Business Agency, Inc
 18130 Cadbury Dr.
 Houston, TX 77084
alanv@tqba.com
 713-253-6569



From: District2 Hall [district2.hall@senate.texas.gov]
Sent: 8/10/2021 4:36:37 AM
To: chair@harriscountygop.com
Subject: Thank you for contacting the office of Senator Bob Hall.
Attachments: image001.jpg

Thank you for taking the time to write to me. I am always appreciative hearing from concerned citizens.

My office reviews and records all responses and concerns from constituents. Due to the high volume of correspondence received, it can be difficult to respond to each person individually in a timely manner. We will do our best to respond to your correspondence in the order it was received.

If you need immediate assistance, please feel free to contact my staff directly at any of your offices as follows:

Capitol Address

The Honorable Bob Hall
P.O. Box 12068
Capitol Station
Austin, Texas 78711
(512) 463-0102
(512) 463-7202 (fax)

Canton District Address

17585 State Highway 19, Suite 200
Canton, Texas 75103
(903) 567-0904
(903) 567-0969 (fax)

Rockwall District Address

Alliance Building #2
6537 Horizon Road, Suite B-1
Rockwall, Texas 75032
(972) 722-3131
(972) 722-3132 (fax)

Greenville District Address

2816 Lee Street, Suite A
Greenville, Texas 75401
(903) 454-2880
(903) 454-2885 (fax)

If you would like an update on legislation and bill statuses from our most recent legislative session, I invite you to visit Texas Legislature Online for information: www.capitol.texas.gov.

Thank you again for contacting your State Senator.

Respectfully,

Bob Hall
Senate District 2



Case 5:21-cv-00844-XR Document 691-2 Filed 07/28/23 Page 257 of 310
To: chair@harriscountygot.com; chair@harriscountygot.com
From: Donna Campbell; donna.campbell@senate.texas.gov
Sent: Tue 8/10/2021 4:43:37 AM (UTC)
Subject: Automatic reply: INETMAIL: SB 1 - Election Integrity

Dear Fellow Texan,

Thank you for contacting my office to express your views. Making me aware of your opinion is an important part of the democratic process and I appreciate you taking the time to write. This message is my way of letting you know that I have received your correspondence and will be reviewing it with my advisors. I treat your concerns with the highest respect and priority!

If you require immediate assistance or have an urgent question, please call my Capitol Office at (512) 463-0125. If you would like to speak in greater detail about a specific policy issue, or require further assistance with a state agency, please email my Chief of Staff: carrie.smith@senate.texas.gov

Please subscribe to my newsletter if you are interested in receiving weekly updates regarding the 87th Legislative Session: <https://bit.ly/2W5H5rv>

Thank you again for sharing your views with me. Your input is essential to our state's success!

Blessings,

Senator Donna Campbell, M.D.



From: District7 Bettencourt [district7.bettencourt@senate.texas.gov]
Sent: 8/10/2021 4:39:49 AM
To: chair@harriscountygop.com
Subject: Thank You For Your Email
Attachments: image001.png

Thank you for your recent email. Constituent input is a vital part of the democratic process, and your insight is valuable to me in representing the residents of Senate District 7.

My office reviews and records all correspondences from my constituents, and your email will be directed to the appropriate staff member who handles this topic. If additional information is needed, they will be in contact with you.

If you need immediate assistance, please call one of my offices and my staff will be happy to assist you. If you have a scheduling request, please contact my District Office at 713-464-0282.

Again, thank you for your email and for keeping me informed of the issues that are important to you.

Sincerely,



Senator Paul Bettencourt
Senate District 7

Capitol Office
P.O. Box 10268
Room E1.712
Austin, TX 78711
Office: 512-463-0107
Fax: 512-463-8810

District Office
11451 Katy Freeway, Ste. 209
Houston, TX 77079
Office: 713-464-0282
Fax: 713-461-0108

This communication may be privileged and confidential. Any copying, use or distribution of any information or materials by or to anyone other than the recipients listed above is prohibited without express authorization from the sender.



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNIÓN DEL PUEBLO ENTERO,	*	
et al.,	*	
Plaintiffs,	*	
	*	
v.	*	Civil Action No.
	*	5:21-cv-844 (XR)
STATE OF TEXAS, et al.,	*	
Defendants.	*	

ORAL AND VIDEOTAPED 30(b)(6) DEPOSITION OF
THE DALLAS COUNTY ELECTIONS ADMINISTRATOR
THROUGH ITS DESIGNATED REPRESENTATIVE,
RIVELINO LOPEZ
APRIL 13, 2023

DEPOSITION of RIVELINO LOPEZ, produced
as a witness at the instance of the Plaintiffs, and
duly sworn, was taken in the above-styled and
numbered cause on the 13th day of April, 2023, from
9:15 a.m. to 10:07 a.m., before Christy R. Sievert,
CSR, RPR, in and for the State of Texas, reported by
machine shorthand, at the offices of the Dallas
County Records Building, 500 Elm Street, Dallas,
Texas, pursuant to the Federal Rules of Civil
Procedure and the provisions stated on the record or
attached hereto.

1 A. Okay.

2 MS. PERALES: Mr. Stool, did you want
3 to make any statement on the record? Or
4 Mr. Schuette?

5 MR. STOOL: I don't think so.

6 MS. PERALES: Okay. Thank you.

7 MR. STOOL: I think -- I think you've
8 covered it. It's just that he was not designated to
9 speak on those topics. Okay.

10 BY MS. PERALES:

11 Q. Mr. Lopez, for the 2022 general election,
12 do you know how many voters in Dallas County had one
13 ID number in the -- in your system but not two ID
14 numbers in your system?

15 A. I do not.

16 Q. Do you know how many vote centers Dallas
17 County operated in the 2022 general election?

18 A. I do not.

19 Q. In your last deposition, you testified that
20 the e-pollbook kept information about voters who
21 voted in person in the polling place and either used
22 an interpreter or used an assister, for example, for
23 physical disability. Do you remember that
24 testimony?

25 A. Yes.

1 Q. Okay. Are you familiar with the e-pollbook
2 system and how poll workers use it at the polling
3 place?

4 A. Yes.

5 Q. Do you train poll workers on using the
6 e-pollbook?

7 A. I do not.

8 Q. Do you know the -- whether the e-pollbook
9 has a screen for the poll worker to check a box that
10 the voter is using an interpreter?

11 A. Yes.

12 Q. And are you aware whether the -- and does
13 it have a box for the poll worker to check that a
14 voter is using an interpreter?

15 A. Yes.

16 Q. And are you aware that the e-pollbook also
17 has a box for the poll worker to check if the voter
18 is using voter assistance?

19 A. Yes.

20 Q. How many Dallas County polling places in
21 the 2022 general election used the e-pollbook?

22 A. All of them.

23 Q. So would it be fair to say, then, that the
24 ExpressPoll Connect software could tell us how many
25 voters in the 2022 general election used an

1 interpreter to vote at the polls?

2 A. Yes.

3 Q. And the ExpressPoll Connect software would
4 tell us how many voters in the 2022 general election
5 used an assister or used voter assistance; is that
6 correct?

7 A. Yes.

8 Q. Do you know if those reports were produced
9 in this case to us?

10 A. They were not.

11 MS. PERALES: Okay. I'll say that I
12 believe it falls under the document production
13 obligations of Dallas County to produce those
14 reports. So. . .

15 MR. STOOL: State again -- could you
16 state again exactly which -- because I thought they
17 were. Could you state again which --

18 MS. PERALES: Well, we'll follow up
19 after the deposition.

20 MR. STOOL: All right.

21 MS. PERALES: But I'll just say for
22 the -- for the record, we will want to make sure
23 that we received those reports for the 2022 general
24 election.

25 MR. STOOL: And which reports?

1 MS. PERALES: They are reports from
2 ExpressPoll Connect, which I understand is your
3 e-pollbook software.

4 MR. STOOL: That state?

5 MS. PERALES: That can generate
6 reports on voters who used an interpreter and voters
7 who used voter assistance.

8 MR. STOOL: Okay.

9 BY MS. PERALES:

10 Q. My last question for you has to do with
11 voter registration outreach. Do you still have an
12 individual called the outreach coordinator?

13 A. We do.

14 Q. And what is that person's name?

15 A. Esmeralda Garcia.

16 Q. Okay. Is she the same person who was the
17 outreach coordinator the last time we spoke back in
18 2022?

19 A. Yes.

20 Q. Okay. You mentioned that Ms. Garcia and
21 that your office in the past had attended
22 naturalization ceremonies to offer in-person voter
23 registration. Do you recall that testimony?

24 A. Yes.

25 Q. Does your office still do that?

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNIÓN DEL PUEBLO ENTERO, *
et al., *
Plaintiffs, *
v. * Civil Action No.
* 5:21-cv-844 (XR)
STATE OF TEXAS, et al., *
Defendants. *

REPORTER'S CERTIFICATION
DEPOSITION OF RIVELINO LOPEZ
APRIL 13, 2023

I, CHRISTY R. SIEVERT, CSR, RPR, in
and for the State of Texas, hereby certify to the
following:

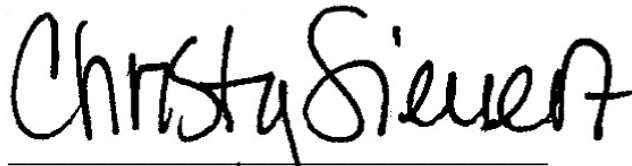
That the witness, RIVELINO LOPEZ, was duly
sworn by the officer and that the transcript of the
oral deposition is a true record of the testimony
given by the witness;

I further certify that the signature of
the deponent was requested by the deponent or a
party and is to be returned within 30 days from date
of receipt of the transcript. If returned, the
attached Changes and Signature Page contains any
changes and the reasons therefor;

I further certify that I am neither
counsel for, related to, nor employed by any of the
parties or attorneys in the action in which this

1 proceeding was taken, and further that I am not
2 financially or otherwise interested in the outcome
3 of the action.

4 Subscribed and sworn to on this the 9th
5 day of May, 2023.

6
7 

8
9 CHRISTY R. SIEVERT, CSR, RPR
10 Texas CSR 8172
11 Expiration Date: 4-30-2025
12 Integrity Legal Support Solutions
13 Texas CRF 528
14 9901 Brodie Ln. #160-400
15 Austin, Texas 78748
16 (512) 320-8690
17 www.integritylegal.support
18
19
20
21
22
23
24
25

Transcript of the Testimony of
The Office of the Dallas County Elections Administrator

Date:

April 29, 2022

Case:

LA UNION DEL PUEBLO ENTERO vs GREGORY W. ABBOTT

1 UNITED STATES DISTRICT COURT
 2 WESTERN DISTRICT OF TEXAS
 3 SAN ANTONIO DIVISION

4 LA UNION DEL PUEBLO ENTERO,)(
 ET AL.,)(
 5 PLAINTIFFS,)(
 6 VS.)(CIVIL ACTION
 7 GREGORY W. ABBOTT, ET AL.,)(NO. SA-21-CV-00844-XR
 8 DEFENDANTS.)(

9 VIDEOTAPED AND VIDEOCONFERENCED
 10 ORAL DEPOSITION OF
 11 RIVELINO LOPEZ, TACOMA PHILLIPS
 12 AND MICHAEL SCARPELLO
 APRIL 29, 2022

13 VIDEOTAPED AND VIDEOCONFERENCED ORAL DEPOSITION
 14 OF RIVELINO LOPEZ, TACOMA PHILLIPS AND MICHAEL
 15 SCARPELLO, produced as witnesses at the instance of the
 16 Plaintiff LUPE, and duly sworn, was taken in the
 17 above-styled and numbered cause on the 29th day of
 18 April, 2022, from 10:47 a.m. to 8:02 p.m., before Holly
 19 R. Swinford, CSR in and for the State of Texas, reported
 20 by machine shorthand, at the Office of the Dallas
 21 Elections Administrator, located at the Records
 22 Building, 500 Elm Street, 7th Floor, Room 7Y11, in the
 23 City of Dallas, County of Dallas, State of Texas,
 24 pursuant to Notice, the Federal Rules, and the
 25 provisions stated on the record or attached hereto.

1 Elections Administrator refers to the big counties as
2 "the big boys." Have you heard that before?

3 A. Yes.

4 Q. Yeah. Dallas County is one of the big boys,
5 isn't it?

6 A. Oh, yeah.

7 Q. Yeah. Are you familiar with the TEAM system?

8 A. Yes.

9 Q. Is Dallas County an online county or an offline
10 county?

11 A. Offline.

12 Q. Do you know why Dallas County is an offline
13 county?

14 A. I think the larger counties, it would be too
15 much for the State system to handle. So I guess about
16 half the state, especially the larger ones, have their
17 own VR database.

18 Q. Okay. I'm going to ask these questions just --
19 not because I'm going to go into them deeply with you.
20 I just want to make sure I understand what you know --

21 A. Okay.

22 Q. -- about your relationship with the TEAM
23 system. And like I said, I'm not going to go deep, but
24 I just want to make sure --

25 A. Okay.

1 Q. -- I understand.

2 Do you know how many voters in Dallas County
3 you do not have either a driver's license number or the
4 last four of the Social?

5 A. It's -- I know 99.46 percent do have a driver's
6 license or a Social on record. So about a half a
7 percent of our -- our registered voters. I guess it
8 would be close to 70,000.

9 Q. Do you know how many people only have one
10 number and not both numbers?

11 A. 97.13 percent have at least one.

12 Q. Have at least one?

13 A. Uh-huh.

14 Q. But do you -- can you tell me how many lack
15 both numbers?

16 A. Probably close to 70,000.

17 Q. Okay. Yes. I asked that question --

18 A. Yeah.

19 Q. -- wrong. Let me try again.

20 How many of your registered voters only have
21 one number and not a second number?

22 A. That would be -- I want to say -- well, because
23 97 percent of them have either a Texas Driver's License
24 or --

25 Q. Uh-huh.

1 A. -- an ID.

2 Q. Uh-huh.

3 A. So, yeah, I'll have to look at that. I don't
4 know that number off the top of my head.

5 Q. Okay. And so what you -- just so you
6 understand what I'm getting at, if you have a driver's
7 license number for me --

8 A. Uh-huh.

9 Q. -- but you don't have my Social --

10 A. Right.

11 Q. -- or you have my Social, but you don't have my
12 driver's license.

13 So people for whom you have one number filled
14 in, but you don't have a second number for them, you
15 would have to go back and try to see how many that were?

16 A. Uh-huh.

17 Q. Okay.

18 A. Yes.

19 Q. Okay. And now with respect to TEAM, do you
20 have knowledge of whether you received an update from
21 TEAM -- "you," meaning Dallas County -- received an
22 update for TEAM sometime around December or January that
23 was from the Secretary of State that went into your
24 system that had additional ID numbers for your
25 registered voters?

1 centers; is that correct?

2 A. Correct.

3 Q. And you expect to do that, as well, for the
4 November 2022 general election?

5 A. Yes.

6 Q. Okay. In -- do you recall -- do you recall the
7 hours that you had polling places open in 2018?

8 A. No. I'd have to look at the time, but it's --
9 it's pretty standard. Usually the first week's 8:00 to
10 5:00; second week, 7:00 to 7:00 and then Saturdays,
11 usually 7:00 to 7:00 and Sundays 12:00 to 6:00. It's
12 pretty -- that's our pretty standard hours each
13 election.

14 Q. Uh-huh. Okay. And did you do anything with
15 extended hours for voting in 2020?

16 A. They extended an extra week of early voting --

17 Q. Uh-huh.

18 A. -- so we had an extra week, and every day was
19 7:00 to 7:00. So they extended -- instead of 8:00 to
20 5:00, it was 7:00 to 7:00 --

21 Q. Okay.

22 A. -- with the exception of Sunday, which was
23 still 12:00 to 6:00.

24 Q. Okay. So for -- we were just talking about
25 2020 --

1 A. (Witness moves head up and down.)

2 Q. -- when you did that.

3 Have you then, with respect to 2022, for the
4 March primary, did you keep those same hours as you had
5 in 2020; or did you make any adjustments?

6 A. No. Went back to our standard 8:00 to 5:00,
7 7:00 to 7:00. We did extend the last day of early
8 voting for the primary to 10:00 o'clock.

9 Q. To 10:00 p.m.?

10 A. Uh-huh.

11 Q. And that was --

12 A. I believe it was the 25th of February. I
13 believe that was the last day of early voting.

14 Q. And why did you extend voting until 10:00 p.m.
15 on February 25th, 2022?

16 A. It was ordered by the County Judge. We kind of
17 found out at the last minute. They let us know, Hey
18 we're staying opened till 10:00.

19 And I don't even know if they advertised it or
20 whatever. But yeah, we found out at the last minute, so
21 we just kept the polls open till 10:00.

22 Q. You asked the poll workers to stay and --

23 A. Yeah. We had to send, like, a mass -- our
24 ePollbook has a messaging. So we sent a mass message,
25 and we were also calling them, too, so -- to let them

1 know.

2 Q. Okay. And do you know if staying open until
3 10:00 p.m. on February 25th afforded voters in Dallas
4 County an additional opportunity to go to the polls and
5 cast their ballot that day?

6 MS. HUNKER: Objection, form.

7 A. It did, yes.

8 Q. (By Ms. Perales) Do you know or do you have a
9 sense of why the County Judge ordered you to stay open
10 till 10:00 p.m. on the last day?

11 A. I do not.

12 Q. Okay.

13 A. Can't recall.

14 Q. All right. Do you know if there were voters
15 who were trying to vote mail ballots who were then
16 coming to the polls on that last day, including up till
17 10:00 p.m., to -- to hand drop-off their mail ballots?

18 MS. HUNKER: Objection to form.

19 A. I don't know.

20 Q. (By Ms. Perales) Okay. So I have a question
21 about your involvement in kind of voting during the
22 election days when people are voting.

23 You're the Voter Registration Manager --

24 A. Uh-huh.

25 Q. -- but it sounds like you've also got some

1 duties that are related to the actual casting of
2 ballots; is that right?

3 A. No. I stick to voter registration. So we
4 help -- like, if a judge calls, has a voter that's
5 having an issue, they can't find them in the poll book,
6 we look them up and help them. Like, during early
7 voting, we offer limited ballot process. Election Day,
8 they offer the provisional process, so we help them,
9 help the judge and the voter through that.

10 Q. Okay. And then, as the Voter Registration
11 Manager, were you involved in trying to process, for
12 March 2022, people's applications for ballot by mail and
13 mail ballots to the extent that there was this new
14 requirement to match the ID number, that was being
15 provided, to the voter?

16 A. No.

17 Q. You weren't doing any of that matching work?

18 A. No. If they -- if the ballot by mail
19 department gave us a form, we -- like, because it had a
20 Statement of Residence, also --

21 Q. Uh-huh.

22 A. -- on the form. So if they filled out a form,
23 they would give it to us and we would update their
24 information.

25 Q. Okay. So that's if you had the person at the

1 wrong address.

2 Do you have any knowledge, in March of 2022,
3 this most recent primary election, of voters having to
4 put an ID number, either driver's license or last four
5 of the Social, on their application for ballot by mail
6 or on the carrier envelope?

7 A. Yes, I knew about that.

8 Q. Okay.

9 A. Yes.

10 Q. Were you involved in doing any of the checking
11 of those numbers or trying to match those numbers to the
12 voter roll?

13 A. No, I wasn't.

14 Q. Okay. You've been designated to talk about
15 Dallas County's experience with voters who vote with
16 assistance in person from 2018 to the present.

17 Do you have knowledge about Dallas County
18 Election's experience with voters who come with another
19 person to vote in person, so at the polls?

20 A. When we were preparing, they asked if we can
21 pull statistics. And so I went into our ePollbook, and
22 we -- we can. We do track that with our new ePollbook,
23 our current one. Before, we weren't tracking it; but I
24 was able to pull statistics to show how many people
25 requested assistance.

1 Q. Uh-huh. And I just learned yesterday that the
2 ePollbook can be handy for figuring that information
3 out.

4 A. Yeah.

5 Q. So a couple of questions. When you say that
6 you didn't track it before, what does "before" mean?

7 A. Before we implement our current ePollbook,
8 which is before 2020.

9 Q. Okay. But for -- at least for 2020 onward, you
10 can run a report that tells you how many voters voted at
11 the polling place with assistance; is that right?

12 A. Yes.

13 Q. And the poll book, the ePollbook is used in the
14 polling places where the people come personally to vote;
15 is that right?

16 A. Yes.

17 Q. Would you have that same information for who
18 voted with assistance by mail ballot, where the assistor
19 signs on the mail ballot --

20 A. I wouldn't have that, no.

21 Q. Okay. Did you run any reports about how many
22 voters used assistants in either this most recent 2022
23 or prior elections?

24 A. I did. I didn't -- I -- I ran the reports to
25 get the numbers. I wrote the numbers down, but I don't

1 have the reports.

2 Q. Okay. So I'm going to ask you for the numbers
3 so you can --

4 A. Okay.

5 Q. -- tell me them, and then I'm going to ask for
6 the reports, themselves, to be produced because I
7 believe that information is responsive to at least one
8 of our Requests for Production.

9 A. Okay.

10 Q. Okay. So tell me the numbers that you have.

11 A. For this recent primary election, 2022, there
12 was 752 voters requested assistance. For November 2021,
13 there was a hundred and thirty. For June 2021, we had
14 88. For May 2021, we had 228. And for November 2020,
15 we had 4,335. And we had a small run-off election
16 December '21. We only had one.

17 Q. That must have been a very small run-off.

18 A. Yeah.

19 Q. December of 2021. I'm just trying to think of
20 what office would have been in a run-off in December of
21 2021, but it must --

22 A. I --

23 Q. -- must have been something special.

24 A. Yeah.

25 Q. Okay. Thank you.

1 A. All right.

2 Q. So since it sounds like you've already run a
3 few reports, so you're familiar with how to run these
4 reports, is that right, on the ePollbook?

5 A. Yes.

6 Q. Okay. Can you also get the names of the
7 voters?

8 A. Yes. The names are on the report.

9 Q. Okay. Okay. So, for example, you could see
10 which voters have a Spanish surname, like Lopez or
11 Perales versus another kind of name?

12 A. Yes.

13 Q. Okay. What is the software that you're using
14 now that allows you to run the report?

15 A. It's called ExpressPoll Connect, and the vendor
16 is ES&S, which is Election Systems & Software.

17 Q. Have you ever assisted a voter to vote? Have
18 you ever gone with someone and helped them?

19 A. I have not.

20 Q. Okay. Do you have anyone in your family here
21 in Dallas County who uses assistants to vote?

22 A. No.

23 Q. No viejitos?

24 A. No.

25 Q. Okay. Does Dallas County -- or from January of

1 Q. And what's your other language? You said it's
2 the third, so Spanish, Vietnamese --

3 A. And English.

4 Q. Oh. Okay. Have you ever done any voter
5 registration or voter outreach in minority neighborhoods
6 (indicating) specifically, or that just happens
7 naturally as a result of your regular work?

8 A. Right. It happens --

9 MS. HUNKER: Objection, form.

10 A. -- naturally. I mean, if the high school or
11 the college is in a minority area, I mean, yes, we're --
12 we're there.

13 Q. (By Ms. Perales) Okay. Do you -- do you have
14 any involvement in where you choose to locate polling
15 places for voting?

16 A. I don't.

17 MS. PERALES: I would like to take a
18 couple of minutes off the record, if I could.

19 THE VIDEOGRAPHER: Okay. We're going off
20 the record. The time is 11:29 a.m.

21 (Break taken.)

22 THE VIDEOGRAPHER: Okay. We are back on
23 the record. The time is 11:33 a.m.

24 MS. PERALES: Okay. Before I pass the
25 witness, Mr. Lopez, I want to thank you for your

1 patience with us today. You are not done, but you
2 are done with me, and I'm going to pass you along to
3 Mr. White here. But I did want to note for the record
4 that, based on our discussion, that the ExpressPoll Pad
5 Connect software can run reports on how many voters
6 voted in person with an assistor, that we believe that
7 that information is responsive to some of our request
8 for production. And we are happy to continue this
9 conversation, but I want to note for the record that we
10 believe that the reports that Mr. Lopez is referencing
11 is something that we've asked for in the case, and that
12 Mr. Lopez also suggested there might be records
13 maintained by the Outreach Coordinator on voters --
14 voter outreach at naturalization ceremonies, which may
15 also be responsive to our discovery requests. And I'd
16 be happy to sort of pinpoint that for you at a later
17 point, but I want to make sure that I get that on the
18 record before I pass the witness.

19 MR. STOOL: Understood.

20 MS. PERALES: And now I pass the witness.

21 MR. STOOL: All right.

22 MS. PERALES: And we're just going to --

23 MR. WHITE: Yeah, I'll --

24 MS. PERALES: -- hand this microphone to
25 Mr. White.

1 EXAMINATION

2 BY MR. WHITE:

3 Q. Mr. Lopez, how are you?

4 A. Doing good.

5 Q. I just have a couple of questions about your
6 testimony earlier about extended hours in voting.

7 And you testified earlier that polling places
8 were open until 10:00 p.m. on February 25th, 2022 --

9 A. Yes.

10 Q. -- is that right?

11 And was that because of a Court Order?

12 A. Yes.

13 Q. And do you remember what the reason was for the
14 judge ordering the extended voting hours?

15 A. I don't.

16 Q. Okay. And how late were polling places
17 supposed to stay open prior to that Court Order?

18 A. 7:00.

19 Q. Until 7:00 p.m.?

20 A. Well, If there's no voters in line at 7:00
21 o'clock. But if there's voters, they got to vote.

22 Q. Were you concerned that having polling places
23 open until 10:00 p.m. on that day would lead to a voter
24 fraud?

25 A. No.

1 Q. Why not?

2 MS. HUNKER: Objection, form.

3 A. I have no reason to believe that, no.

4 Q. (By Mr. White) Was anyone in your office
5 concerned that having the polling places open until
6 10:00 p.m. would lead to voter fraud?

7 MS. HUNKER: Objection, form.

8 A. I can't speak for them, no.

9 Q. (By Mr. White) Did you hear anyone in your
10 office express concerns to you that these extended hours
11 would lead to voter fraud?

12 A. No.

13 Q. Did your office receive any complaints from
14 voters that these extended hours would lead to voter
15 fraud?

16 MS. HUNKER: Objection, form.

17 A. I don't know if we received any complaints.

18 Q. (By Mr. White) Are you aware of any voter
19 fraud that occurred during these extended hours on
20 February 25th?

21 A. I'm not aware of any.

22 Q. Do you know how many voters showed up to vote
23 during these extended hours on February 25th?

24 A. I do not have those numbers.

25 Q. Okay. Do you know if there were particular

1 precincts in Dallas County where voters were more likely
2 to show up during these extended hours on February 25th?

3 A. I don't --

4 MS. HUNKER: Objection, form.

5 A. -- know that.

6 Q. Okay.

7 THE REPORTER: I'm sorry. Okay. Thank
8 you.

9 Q. (By Mr. White) As a general matter, are there
10 voters in Dallas County who struggle to make it to the
11 polls during normal voting hours?

12 MS. HUNKER: Objection, form.

13 A. Repeat the question.

14 Q. As a general matter, are there voters in Dallas
15 who struggle to make it to the polls during normal
16 voting hours?

17 MS. HUNKER: Objection, form.

18 A. I don't know.

19 MR. WHITE: Okay. I have no further
20 questions.

21 THE REPORTER: Just a --

22 MR. WHITE: And I will pass the --

23 THE REPORTER: Just a second. Okay.
24 Thank you.

25 MR. WHITE: Okay. Well, I will pass the

1 MS. PERALES: -- none of the other
2 Plaintiffs have questions. So I think it's coming
3 around the table to Ms. Hunker.

4 EXAMINATION

5 BY MS. HUNKER:

6 Q. All right. Hello, Mr. Lopez.

7 A. Hello.

8 Q. It's good seeing you again.

9 A. You, too.

10 Q. So I have only a handful of questions for you.

11 To give you a precursor, my questions are mostly in

12 response to what the Plaintiffs have asked, and so

13 there's going to be a little bit of jumping around.

14 If at any point you get confused by my

15 switching subject or I'm not clear, can you please let

16 me know? I am happy to lay either more foundation or to

17 rephrase the question.

18 A. Okay.

19 Q. Excellent. So you had spoken about the

20 extended hours on February 25th, 2022; is that correct?

21 A. Yes.

22 Q. And the extended hours was based off of

23 decision from a Court; is that correct?

24 A. Yes. The County Judge, yes.

25 Q. So when you say "a court" and you say "the

1 County Judge," are you referring to a judicial action,
2 or are you referring to the County Judge acting in his
3 executive capacity in Dallas County?

4 A. The County Judge from the Commissioners Court.

5 Q. Okay. So you're referring to the Commissioners
6 Court made the decision to have extended hours?

7 A. Yes.

8 Q. Okay. So this was not imposed on Dallas
9 County. This was a decision that Dallas County made,
10 itself; is that correct?

11 A. Yes.

12 Q. And they did not communicate why they asked for
13 extended hours on February 25th?

14 A. They may have. I just don't know that answer.

15 Q. And so let me break that question down twice,
16 just to -- to clarify.

17 You were not aware of the reasons they
18 requested extended hours at all during that election; is
19 that correct?

20 A. Correct.

21 Q. And you do not know why they requested extended
22 hours on the specific day of February 25th; is that
23 correct?

24 A. Correct.

25 Q. When you extended hours from -- ending at 7:00

1 Vote Center Advisory Committee.

2 Q. (By Ms. Hunker) Do you know if any of the vote
3 center committees findings or discussions are online?

4 A. I don't know if they are online.

5 Q. Now, you had also discussed the ePad or the --
6 where you sign in on -- when in-person voting. And I
7 believe you said that that picks up who has requested
8 assistance, all for the last few years; is that right?

9 A. Yes.

10 Q. How does that work exactly?

11 A. The ePollbook has -- you can sign on the
12 ePollbook, so there's a oath on there if somebody
13 requests assistance, and then the person giving the
14 assistance signs the oath on there. And so when we do
15 the report, even the signature comes on the report, as
16 well.

17 Q. Okay. And so when it comes to assistants, it's
18 only picking up individuals who took the oath; is that
19 correct?

20 A. Yes.

21 Q. And so it's only taking individuals who assist
22 with the actual marking of the ballot; is that correct?

23 MS. PERALES: Objection, vague.

24 A. The -- for the ballot-marking device, yes.

25 Q. (By Ms. Hunker) So if, let's say, I were to

1 bring my grandmother in to vote and she's in a
2 wheelchair and I helped push her to the polling
3 location, but then she voted on her own, would she --
4 would I have had to sign the poll book?

5 MR. WHITE: Objection --

6 MS. PERALES: Objection --

7 MR. WHITE: -- form.

8 A. No.

9 THE REPORTER: I'm sorry. Thank you.

10 Q. (By Ms. Hunker) And so only certain types of
11 assistance are marked on the poll book; is that correct?

12 MS. PERALES: Objec- --

13 A. Voting assistance.

14 MS. PERALES: -- -tion --

15 Q. (By Ms. Hunker) Voting assistance.

16 MS. PERALES: -- this is --

17 A. Yes.

18 THE REPORTER: Sorry.

19 MS. PERALES: Objection -- hold up --

20 THE WITNESS: Okay.

21 MS. PERALES: -- for one second --

22 THE WITNESS: Okay.

23 MS. PERALES: -- if you would.

24 First, objection, form; second, I want to
25 object that this is outside the scope of the designated

1 topic of this witness and possibly outside the scope of
2 his knowledge as the Voter Registration Director.

3 THE REPORTER: And I didn't hear your
4 answer. Can you say your answer again? You just said a
5 few words, I know, but I did not hear you.

6 THE WITNESS: Yes.

7 THE REPORTER: Thank you.

8 Q. (By Ms. Hunker) And so let me ask the question
9 again because I actually lost my place of thought.

10 MS. HUNKER: And I would ask that we keep
11 speaking objections to a minimum under local rules, 30,
12 only because it does disrupt my thought process.

13 MS. PERALES: And I will, however, be
14 making the same objections again.

15 Go ahead, Ms. Hunker.

16 Q. (By Ms. Hunker) So only certain types of
17 voting assistance are -- let me -- let me rephrase the
18 question.

19 Only people who are offering certain types of
20 voting assistance sign on the ePad; is that correct?

21 A. Yes.

22 MS. PERALES: Same objection.

23 Q. (By Ms. Hunker) And how much familiarity do
24 you have with the ePad or the process in which an
25 assistor would sign the ePad?

1 A. I've been trained on it, and I've helped --

2 I've trained others on my staff. I've trained them on

3 it, as well.

4 Q. So is this part of your responsibilities?

5 A. Not at the polls.

6 Q. But you said you have trained on this

7 particular device; is that correct?

8 A. Yes.

9 Q. And you've trained others?

10 A. Right.

11 Q. And have you seen it work and function?

12 A. Yes.

13 Q. And are you familiar with how it operates?

14 A. Yes.

15 Q. And you're familiar with the procedures in

16 which it -- it operates on this?

17 A. Yes.

18 MS. HUNKER: All right. No further

19 questions.

20 MS. PERALES: I have questions if Defense

21 Counsel don't.

22 MR. STOOL: No, I don't have any.

23 MS. PERALES: Okay.

24 REEXAMINATION

25 BY MS. PERALES:

1 Q. Well, Mr. Lopez, I spoke too soon when I said I
2 was done with you.

3 Do you work at the polling place on Election
4 Day?

5 A. No.

6 Q. Do you make a decision or have you ever made
7 the decision whether somebody who is coming into the
8 polling place to assist another voter has to sign the
9 Oath of Assistance?

10 A. Not at the polls, no.

11 Q. Are you aware of the criteria that poll workers
12 and election judges use to decide who has to sign the
13 Oath of Assistance when they come with a voter to the
14 polling place?

15 MS. HUNKER: Ob- --

16 A. Yes.

17 MS. HUNKER: -- -jection, form.

18 A. Yes.

19 Q. (By Ms. Perales) Say that again.

20 A. Yes.

21 Q. And what is that criteria, then?

22 A. If they are -- if the voter requests
23 assistance, that's the person that will be signing the
24 ePollbook.

25 Q. Okay. And so the voter comes with the

1 assistor?

2 A. Uh-huh.

3 Q. The voter says, I -- I want to bring this
4 person here to help me vote, and then the assistor signs
5 the oath; is that correct?

6 A. Yes.

7 Q. And are -- do you know if there's criteria that
8 election judges and poll workers use to decide whether
9 someone who's pushing a wheelchair, for example, is or
10 isn't an assistor?

11 A. Is there a criteria?

12 Q. Yeah. Do the poll workers make the decision,
13 who is an assistor? You know, what kind of help makes
14 you an assistor or not? Do -- are you aware of any
15 criteria that the poll workers use to make that
16 decision?

17 A. They have a training guide, yes.

18 Q. Okay. And so do you -- can you say, sitting
19 here today, whether someone who's pushing a wheelchair
20 with a voter and then comes in with them and over to the
21 voting station, can you say whether, sitting here today,
22 you know whether the poll workers would ask that person
23 who was pushing a wheelchair to sign the oath or not?

24 MS. HUNKER: Objection, form.

25 A. Yes, because that person would have to say, "I

1 need assistance, and here's my assistor" --

2 Q. (By Ms. Perales) Okay.

3 A. -- yes.

4 Q. So, in that instance, the person pushing the
5 wheelchair and going over to the voting station with the
6 voter is the assistor who would sign the oath; is that
7 right?

8 A. Yes.

9 MS. PERALES: Okay. Thank you.

10 I pass the witness.

11 MR. WHITE: I have no further questions.

12 MS. HUNKER: Just to quickly clarify on a
13 point, assuming there's no other questions from the
14 attorneys on Zoom. Hearing none --

15 MS. BENDER: No questions.

16 MR. STOOL: ID. ID. Who said that?

17 MS. PERALES: Oh, that's -- that's Brady.

18 THE REPORTER: Thank you.

19 MS. BENDER: I'm sorry. That's right. No
20 questions at this time. Thank you.

21 REEXAMINATION

22 BY MS. HUNKER:

23 Q. So in the example where an individual is being
24 pushed, the way that the as- -- the way they would sign
25 the eBook or ePad is if they were announced, "This is my

1 assistor"; is that correct?

2 A. Correct.

3 Q. And so if the person who is voting chooses not
4 to state, "This is my assistor," that person would not
5 sign the eBook; is that correct?

6 A. Correct.

7 MS. HUNKER: Thank you.

8 MS. PERALES: And so subject to another
9 witness saying that they can't testify on a topic that
10 Mr. Lopez says he has knowledge of, then I think we can
11 switch over to the next witness now.

12 MR. STOOL: Okay. Mr. Lopez needs to get
13 back to the Elections Department, which is not that far
14 from here, but -- so if he has to come back, he'll have
15 to drive back down here. But he's got duties he's got
16 to take care of because early voting is going on as
17 we're having this conversation.

18 MS. PERALES: Understood.

19 MR. STOOL: Okay. So --

20 MS. PERALES: Shall we take a moment off
21 the record --

22 MR. STOOL: Sure.

23 MS. PERALES: -- to switch out our
24 witnesses.

25 MR. STOOL: Yes.

1 REEXAMINATION

2 BY MS. PERALES:

3 Q. And just a couple of questions also about this
4 document, which I would like the court reporter to hand
5 to you, and it has been marked as Exhibit 3.

6 (Document handed to the witness.)

7 Q. So, Mr. Lopez, you've been handed what has been
8 marked Exhibit 3, and do you recognize those as the two
9 pages that you brought with you today to the deposition?

10 A. Yes.

11 Q. And you described them a little bit earlier in
12 the deposition; is that right?

13 A. Yes.

14 Q. And just for the sake of the record, on this
15 first page of the exhibit, which is dated November 6th,
16 2018, can you tell me what that last column is that is
17 titled ED, underscore, ADA?

18 A. ED's for Election Day. ADA is for America's
19 Disability Act, and that's for voters with disabilities
20 that are voting.

21 Q. And is it voters who used a special machine to
22 vote?

23 A. Yes. An ADA machine, yes.

24 Q. All right. So if a voter came in with an
25 assistant to help that voter vote on a regular machine,

1 would the voter be listed in this column, ED,
2 underscore, ADA?

3 A. If they had a disability and had to use that
4 machine, they would be listed on that column.

5 Q. Okay. Let's say they don't use an ADA machine;
6 they use a regular machine, because they bring someone
7 with them to help them. If the voter uses a regular
8 machine --

9 A. Okay.

10 Q. -- non-ADA machine, with an assistor, would
11 that voter turn up here (pointing) in the column ED,
12 underscore, ADA?

13 A. No.

14 Q. Let me just check and see if I have any other
15 questions.

16 A. Okay.

17 Q. Is it correct to say that the column EV-ED,
18 underscore, PROV is for provisional ballots that were
19 cast and counted in the election?

20 A. Yes, for both early voting and Election Day.
21 Yes.

22 Q. And then I recognize the column, Election Day.
23 Now, that would be votes cast in person on
24 Election Day; is that right?

25 A. Yes.

1 Q. And then the column, EV, underscore, Mail is
2 mail ballots that you counted?

3 A. Yes.

4 Q. And the column, EV, underscore, in Person is
5 people who voted in person early; is that correct?

6 A. Yes.

7 Q. And then under Total Votes, I see the number
8 there, 731,576.

9 Is that the total number of ballots cast in
10 that election?

11 A. Yes.

12 Q. And then I -- is it correct to say that the
13 orange highlighting on "Straight Party" and some of
14 those numbers, that came from you; is that right?

15 A. Yes.

16 Q. Okay. On the second page of the exhibit, which
17 says: "Primary Election Comparison," is that the
18 document you mentioned earlier that totals up how many
19 votes were cast in either the Democratic Primary or the
20 Republican Primary?

21 A. Yes.

22 Q. And there's a -- there is a list of days here,
23 Day 1, Day 2; and then towards the bottom, it says Day
24 12. Is that right?

25 A. Yes.

1 Q. Okay. But this is only for primary elections
2 in 2022, 2018 and 2014; is that right?

3 A. Yes.

4 Q. We were talking earlier about the polls staying
5 open until 10:00 p.m. on the last day of Early Voting in
6 a particular election.

7 And are the number of votes cast in each party
8 primary for that day that the polls stayed open until
9 10:00 p.m., is that represented on this chart here?

10 A. Yes, that's Day 12.

11 Q. For which year?

12 A. 2022.

13 Q. So is it correct to say that for Day 12 in the
14 2022 primary, the number of ballots cast was 18,101 --

15 A. Yes.

16 Q. -- for Democrat, and 10,270 for Republican?

17 A. Yes.

18 Q. Are those numbers just of in-person Early
19 Voting?

20 A. Yes.

21 Q. So that doesn't include any tabulation of mail
22 ballots, correct --

23 A. Correct.

24 Q. -- or Election Day votes?

25 A. Correct.

1 Q. Would it be fair to say, then, that for both
2 the Democratic and Republican Primaries in November
3 2022, that on that day that you held the polls open
4 until 10:00 p.m., more votes were cast than in the two
5 previous comparison years?

6 MS. HUNKER: Objection to form.

7 A. Can you repeat? Did you say in November? Will
8 you repeat?

9 Q. (By Ms. Perales) No. I was asking if in
10 Nov- -- I did say November of --

11 A. Yeah.

12 Q. -- 2022.

13 A. Okay.

14 Q. That's my mistake.

15 Would it be fair to say that for the March
16 primary in 2022 on Day 12, Friday, which was the day the
17 polls stayed open until 10:00 p.m., that more votes were
18 cast in both the Democratic and Republican Primaries
19 when compared to previous years?

20 A. Yes.

21 MS. HUNKER: Objection to form.

22 MS. PERALES: I pass the witness.

23 MR. WHITE: I have no further questions.

24 MS. HUNKER: I --

25 THE REPORTER: Can you slow down just a

1 little bit for me, please? Can you slow down?

2 MS. HUNKER: Yes.

3 THE REPORTER: Thank you. Okay. I'm
4 ready.

5 MS. HUNKER: Ready?

6 THE REPORTER: Uh-huh.

7 REEXAMINATION

8 BY MS. HUNKER:

9 Q. Mr. Lopez, when we were talking about the
10 document just earlier, we were referencing the
11 Plaintiff's Exhibit Number 3, correct?

12 A. Number 3?

13 (Ms. Perales holding document up.)

14 A. Yes.

15 Q. And so let's look on the second page of that
16 exhibit.

17 A. Okay.

18 Q. And this is where it says "Primary Election
19 Comparison," correct?

20 A. Yes.

21 Q. And you were speaking to Counsel about Day 12,
22 correct?

23 A. Yes.

24 Q. And that was February 25th, 2022, correct?

25 A. Yes.

1 Q. And that is the day that the polls were
2 extended an additional three hours; is that correct?

3 A. Yes.

4 Q. This chart does not list the times in which
5 voters voted, correct?

6 A. Correct.

7 Q. And so you don't know when the voters voted
8 that day, is that correct?

9 A. That's correct.

10 Q. And if we look at 2018 and 2014, it appears
11 that the last day of Early Voting has the most number of
12 in-person votes for the Early Voting period; is that
13 correct?

14 A. That's correct.

15 MS. PERALES: Objection.

16 MS. HUNKER: No more questions.

17 MS. PERALES: No more questions here.

18 MR. STOOL: We don't have any questions.

19 MS. PERALES: Shall we go off the record
20 while they switch microphones?

21 MS. HUNKER: I think so.

22 MR. STOOL: Yes.

23 THE VIDEOGRAPHER: Okay. We're going back
24 off the record. The time is 12:16 p.m.

25 (Discussion off the record.)

REPORTER'S CERTIFICATION

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO,)(
ET AL.,)(
PLAINTIFFS,)(
VS.)(CIVIL ACTION
GREGORY W. ABBOTT, ET AL.,)(NO. SA-21-CV-00844-XR
DEFENDANTS.)(

ORAL DEPOSITION OF RIVELINO LOPEZ,
TACOMA PHILLIPS AND MICHAEL SCARPELLO
APRIL 29, 2022

I, Holly R. Swinford, Certified Shorthand
Reporter in and for the State of Texas, do hereby
certify to the following:

That the witnesses, Rivelino Lopez, Tacoma
Phillips and Michael Scarpello, were by me duly sworn
and that the transcript of the oral deposition is a true

1 record of the testimony given by the witnesses.

2 I further certify that pursuant to Federal
3 Rules of Civil Procedure, Rule 30(e)(1)(A) and (B) as
4 well as Rule 30(e)(2), that review of the transcript and
5 signature of the deponent:

6 _____ was requested by the deponent and/or a
7 party before completion of the deposition.

8 _____ was not requested by the deponent and/or
9 a party before the completion of the deposition.

10 I further certify that I am neither attorney or
11 counsel for, nor related to or employed by any of the
12 parties to the action in which this deposition is taken
13 and further that I am not a relative or employee of any
14 attorney of record in this cause, nor am I financially
15 or otherwise interested in the outcome of the action.

16 The amount of time used by each party at the
17 deposition is as follows.

18

19 1. MS. NINA PERALES
20 TIME: 04:16
21 2. MR. GRAHAM W. WHITE
22 TIME: 00:37
23 3. MS. KATHLEEN HUNKER
24 TIME: 01:23
25 4. BEN L. STOOL
TIME: 00:00
5. MS. BRADY BENDER
TIME: 00:06
6. MS. SOPHIA CAI
TIME: 00:24
7. MS. JACQUELINE VILLAREAL

1 TIME: 00:00

2 Subscribed and sworn to on the ____ day

3 of May, 2022.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



Holly R. Swinford
Texas CSR 3356
Expiration: 2/1/2024
Magna Legal Services
Firm Registration No. 633
16414 San Pedro Ave., Suite 900
San Antonio, Texas 78232
(866) 672-7880

1 I, RIVELINO LOPEZ, have read the foregoing
 2 deposition and hereby affix my signature that same is
 3 true and correct, except as noted above.

4
 5
 6 RIVELINO LOPEZ

7
 8 THE STATE OF TEXAS)
 9 COUNTY OF DALLAS)

10 Before me, RIVELINO LOPEZ, on
 11 this day personally appeared RIVELINO LOPEZ, known to me
 12 (or proved to me under oath or through VOTER REGISTRATION MGR.) (description of identity
 13 card or other document) to be the person whose name is
 14 subscribed to the foregoing instrument and acknowledged
 to me that they executed the same for the purposes and
 consideration therein expressed.

15 Given under my hand and seal of office, this 24
 16 day of MAY, 2022.



20
 21
 22
 23
 24
 25

NOTARY PUBLIC IN AND FOR
 THE STATE OF TEXAS

My commision expires: 3.23.23

CORRIGENDUM

WITNESS NAME: RIVELINO LOPEZ

4/29/22

PAGE	LINE	CHANGE	REASON
24	5	99.46% to 99.47%	Correction
24	8	close to 70K to close to 7K	Correction
24	11	97.13% to 97.15%	Correction
24	11	add "DL or ID on file"	Left out
24	16	70K to 7K	Correction

KTA
KIM TINDALL & ASSOCIATES

RE: Rivelino Lopez

June 10, 2022

Dear Client:

We are forwarding these documents to you as the custodial attorney in this matter. This transcript is being handled pursuant to the Federal Rules of Civil Procedure and we have copied all parties on the Changes and Signature page(s) with the attached Certificate of Deposition submitted by the deponent to our office.

The items marked refer to the attached documents.

☒ The Changes and Signature page(s) was returned to our office within the specified time limit; therefore, we are forwarding the original deposition transcript(s) and the Changes and Signature page(s) with the attached Certificate of Deposition to you as the custodial attorney in this matter for safekeeping. All parties will be copied on the Changes and Signature page(s).

_____ The deponent returned the Changes and Signature page(s) within the specified time limit, however, the Changes and Signature page(s) was inadvertently returned without the original transcript. All parties have been copied.

_____ The Changes and Signature page(s) was not returned to our office within the specified time limit; therefore, we are forwarding the original deposition transcript to you as the custodial attorney in this matter.

_____ The Changes and Signature page(s) was returned to our office unexecuted. We are forwarding the original deposition transcript to you as the custodial attorney in this matter.

_____ The deponent returned the Changes and Signature page(s) enclosed after the specified time limit. All parties have been copied as a courtesy.

_____ This is to notify you that the examination and signature was not requested by the deponent and/or a party before the completion of the deposition; therefore, signature is waived pursuant to the Federal Rules of Civil Procedures. All parties have been copied via e-mail.

_____ A copy of the Changes and Signature page(s) was previously returned within the specified time limit. We are now in receipt of the Original Deposition Transcript and/or Changes and Signature page(s); therefore, we are returning it to you as the Custodial attorney in this matter for safekeeping.

_____ Amended.

Should you have any questions or concerns, please feel free to contact our office.

Sincerely,

KTA Certs Department

Certs@KTandA.COM

Nancy Renfroe – Department Manager

Kim Tindall & Associates, LLC
16414 San Pedro Avenue, Suite 900, San Antonio, Texas 78232
Phone: 866.672.7880 Fax: 210.697.3408

KTA
KIM TINDALL & ASSOCIATES

RE: Michael Scarpello

June 10, 2022

Dear Client:

We are forwarding these documents to you as the custodial attorney in this matter. This transcript is being handled pursuant to the Federal Rules of Civil Procedure and we have copied all parties on the Changes and Signature page(s) with the attached Certificate of Deposition submitted by the deponent to our office.

The items marked refer to the attached documents.

_____ The Changes and Signature page(s) was returned to our office within the specified time limit; therefore, we are forwarding the original deposition transcript(s) and the Changes and Signature page(s) with the attached Certificate of Deposition to you as the custodial attorney in this matter for safekeeping. All parties will be copied on the Changes and Signature page(s).

_____ The deponent returned the Changes and Signature page(s) within the specified time limit, however, the Changes and Signature page(s) was inadvertently returned without the original transcript. All parties have been copied.

✓ _____ The Changes and Signature page(s) was not returned to our office within the specified time limit; therefore, we are forwarding the original deposition transcript to you as the custodial attorney in this matter.

_____ The Changes and Signature page(s) was returned to our office unexecuted. We are forwarding the original deposition transcript to you as the custodial attorney in this matter.

_____ The deponent returned the Changes and Signature page(s) enclosed after the specified time limit. All parties have been copied as a courtesy.

_____ This is to notify you that the examination and signature was not requested by the deponent and/or a party before the completion of the deposition; therefore, signature is waived pursuant to the Federal Rules of Civil Procedures. All parties have been copied via e-mail.

_____ A copy of the Changes and Signature page(s) was previously returned within the specified time limit. We are now in receipt of the Original Deposition Transcript and/or Changes and Signature page(s); therefore, we are returning it to you as the Custodial attorney in this matter for safekeeping.

_____ Amended.

Should you have any questions or concerns, please feel free to contact our office.

Sincerely,

KTA Certs Department

Certs@KTandA.COM

Nancy Renfro – Department Manager

Kim Tindall & Associates, LLC
16414 San Pedro Avenue, Suite 900, San Antonio, Texas 78232
Phone: 866.672.7880 Fax: 210.697.3408

KTA
KIM TINDALL & ASSOCIATES

RE: Tacoma Phillips

June 10, 2022

Dear Client:

We are forwarding these documents to you as the custodial attorney in this matter. This transcript is being handled pursuant to the Federal Rules of Civil Procedure and we have copied all parties on the Changes and Signature page(s) with the attached Certificate of Deposition submitted by the deponent to our office.

The items marked refer to the attached documents.

_____ The Changes and Signature page(s) was returned to our office within the specified time limit; therefore, we are forwarding the original deposition transcript(s) and the Changes and Signature page(s) with the attached Certificate of Deposition to you as the custodial attorney in this matter for safekeeping. All parties will be copied on the Changes and Signature page(s).

_____ The deponent returned the Changes and Signature page(s) within the specified time limit, however, the Changes and Signature page(s) was inadvertently returned without the original transcript. All parties have been copied.

✓ _____ The Changes and Signature page(s) was not returned to our office within the specified time limit; therefore, we are forwarding the original deposition transcript to you as the custodial attorney in this matter.

_____ The Changes and Signature page(s) was returned to our office unexecuted. We are forwarding the original deposition transcript to you as the custodial attorney in this matter.

_____ The deponent returned the Changes and Signature page(s) enclosed after the specified time limit. All parties have been copied as a courtesy.

_____ This is to notify you that the examination and signature was not requested by the deponent and/or a party before the completion of the deposition; therefore, signature is waived pursuant to the Federal Rules of Civil Procedures. All parties have been copied via e-mail.

_____ A copy of the Changes and Signature page(s) was previously returned within the specified time limit. We are now in receipt of the Original Deposition Transcript and/or Changes and Signature page(s); therefore, we are returning it to you as the Custodial attorney in this matter for safekeeping.

_____ Amended.

Should you have any questions or concerns, please feel free to contact our office.

Sincerely,

KTA Certs Department

Certs@KTandA.COM

Nancy Renfroe – Department Manager

Kim Tindall & Associates, LLC
16414 San Pedro Avenue, Suite 900, San Antonio, Texas 78232
Phone: 866.672.7880 Fax: 210.697.3408

SUMMARY REPORT GRP-DETAIL

2018 General & Joint Election
November 6, 2018
Dallas County, Texas

UNOFFICIAL RESULTS

Run Date:11/15/18 11:46 AM

Report EL45A

Page 001

	TOTAL VOTES	%	EV_In Person	EV_Mail	Election Day	EV-ED_Prov	ED_ADA
PRECINCTS COUNTED (OF 846)	846	100.00					
REGISTERED VOTERS - TOTAL	1338,788						
BALLOTS CAST - TOTAL	731,576		492,980	42,277	195,486	536	297
VOTER TURNOUT - TOTAL		54.64					
Straight Party							
VOTE FOR 1							
(WITH 846 OF 846 PRECINCTS COUNTED)							
Republican Party (REP)	174,928	34.68	116,848	13,849	44,054	108	69
Democratic Party (DEM)	326,423	64.71	222,558	16,235	87,185	295	150
Libertarian Party (LIB)	3,088	.61	1,629	62	1,392	4	1
Total	504,439		341,035	30,146	132,631	407	220
Over Votes	104		0	16	88	0	0
Under Votes	227,033		151,945	12,115	62,767	129	77
U. S. Senator							
VOTE FOR 1							
(WITH 846 OF 846 PRECINCTS COUNTED)							
Ted Cruz (REP)	241,125	33.13	159,988	18,034	62,874	130	99
Beto O'Rourke (DEM)	481,389	66.14	328,029	23,751	129,023	394	192
Neal M. Dikeman (LIB)	5,368	.74	2,757	199	2,406	5	1
Total	727,882		490,774	41,984	194,303	529	292
Over Votes	74		0	22	52	0	0
Under Votes	3,620		2,206	271	1,131	7	5
U. S. Representative Dist 5							
VOTE FOR 1							
(WITH 110 OF 110 PRECINCTS COUNTED)							
Lance Gooden (REP)	35,588	40.49	23,468	2,441	9,659	19	1
Dan Wood (DEM)	52,166	59.36	35,508	2,229	14,390	36	3
WRITE-IN	129	.15	75	17	37	0	0
Total	87,883		59,051	4,687	24,086	55	4
Over Votes	11		0	3	8	0	0
Under Votes	2,207		1,275	151	781	0	0
U. S. Representative Dist 24							
VOTE FOR 1							
(WITH 131 OF 131 PRECINCTS COUNTED)							
Kenny E. Marchant (REP)	47,270	42.86	32,891	3,112	11,244	20	3
Jan McDowell (DEM)	60,987	55.29	43,031	2,840	15,054	59	3
Mike Kolls (LIB)	2,043	1.85	1,231	47	764	1	0
Total	110,300		77,153	5,999	27,062	80	6
Over Votes	9		0	1	8	0	0
Under Votes	2,015		1,177	177	660	1	0
U. S. Representative Dist 26							
VOTE FOR 1							
(WITH 2 OF 2 PRECINCTS COUNTED)							
Michael C. Burgess (REP)	83	50.61	56	6	21	0	0
Linsey Fagan (DEM)	80	48.78	48	5	27	0	0
Mark Boler (LIB)	1	.61	1	0	0	0	0
Total	164		105	11	48	0	0
Over Votes	0		0	0	0	0	0
Under Votes	3		2	0	1	0	0



Primary Election Comparison

	DEM			REP		
	2022	2018	2014	2022	2018	2014
Day 1 (Mon)	4,284	<i>Holiday</i>	<i>Holiday</i>	2,304	<i>Holiday</i>	<i>Holiday</i>
Day 2 (Tue)	4,407	4,025	2,587	2,756	1,715	2,435
Day 3 (Wed)	3,690	2,640	2,217	2,479	1,476	2,541
Day 4 (Thu)	3,200	2,787	2,143	2,227	1,633	2,410
Day 5 (Fri)	4,852	4,501	2,276	3,265	2,596	2,715
Day 6 (Sat)	4,809	5,769	2,478	2,593	2,508	3,020
Day 7 (Sun)	2,559	3,265	1,207	1,160	1,009	938
Day 8 (Mon)	<i>Holiday</i>	6,342	2,642	<i>Holiday</i>	3,321	2,585
Day 9 (Tue)	10,280	5,130	2,668	6,989	2,992	3,170
Day 10 (Wed)	2,784	5,483	2,778	2,064	3,134	3,284
Day 11 (Thu)	347	8,065	3,969	250	4,646	4,234
Day 12 (Fri)	18,101	15,280	7,336	10,270	7,842	7,828
EV Totals	59,313	63,287	32,301	36,357	32,872	35,160
EV by %	45.77%	47.46%	47.46%	41.22%	39.80%	40.48%
ED Totals	62,645	62,206	33,384	48,931	40,779	41,220
Other	7,626	7,859	2,377	2,922	8,950	10,467
Final Counts	129,584	133,352	68,062	88,210	82,601	86,847
ED by %	48.34%	46.65%	49.05%	55.47%	49.37%	47.46%
Reg. Voters	1,390,875	1,286,763	1,172,339	1,389,510	1,286,763	1,172,339
Total Turnout	9.32%	10.36%	5.81%	6.35%	6.42%	7.41%